

MINUTES
ZONING BOARD OF APPEALS MEETING
November 8, 2022

Call to Order and Roll Call

The meeting commenced at 7:01 p.m., with Chairperson Greg Constantino explaining the advisory function of the Zoning Board of Appeals (ZBA) and its process of deliberation and recommendation. He related the notice given for the meeting's Public Hearing, and the roll was called. Present: Chairperson Constantino and Board Members Christiane McKnight, Matthew Jones, Katie Crudele and Reed Panther. Absent: Thomas Whalls and Chip Miller. The Chairperson described Public Hearing proceeding protocols, announced that the meeting would be recorded, and introduced Village Planning Intern Brad Iwicki, Associate Planner Taylor Gendel and Recording Secretary Barb Dutton. Senior Planner Atrian Fard was also in attendance.

Approval of Meeting Minutes

A motion by ZBA Member Crudele to approve the draft minutes of the Oct. 11, 2022 meeting, seconded by Member Panther, passed unanimously by roll call vote.

Public Hearing for 432 Dawn Ave.

A motion by Board Member Jones to open the Public Hearing concerning for 432 Dawn Ave., seconded by Member Crudele, passed by voice vote.

Staff Presentation

Sworn in, Planning Intern Bradley Iwicki, 535 Duane St., introduced the Petitioner, Dave Ligman, founder of Ligman Construction Group, representing Garrett Knasko, owner of the property located at 432 Dawn Avenue. Relative to this property, Mr. Iwicki stated that the ZBA is to consider recommending approval of zoning variations to allow a corner side yard setback of 14.6 ft., to allow a chimney to project approximately 3.6 feet into the required side yard setback, and a lot coverage ratio (LCR) of 21.6 percent. The subject property and the properties to the east, west and south are all zoned R2 Single-family Residential District and are improved with single-family homes, said Mr. Iwicki. The properties to the north are zoned R4 Multi-family Residential and CR Conservation Recreation District and improved with townhomes and a park, respectively, he noted, adding that the subject property is part of Glen Terrace Subdivision and was constructed in 1961.

The property is a corner lot with a configuration similar to a right trapezoid shape and improved with a split-level brick frame residence, continued Intern Iwicki. The house contains three bedrooms, 1.5 bathrooms, an attached one-car garage, a detached three-car garage, and two driveways, he stated. Currently, he continued, the house encroaches into the required interior side and corner side yards and is considered legal nonconforming. Furthermore, said the Intern, the Zoning Code requires all accessory structures located less than 10 ft. from the principal structure to observe the same setback requirement as the principal structure. The existing detached garage maintains a distance of 9.5 ft. from the house and therefore nonconforming to the corner side yard setback required in R2 District, noted Mr. Iwicki. The detached garage is also nonconforming to the maximum allowable area for detached garages.

The current owner purchased the property in May 2022 and would like to improve the home to accommodate family needs, related Mr. Iwicki. The Petitioner proposes a 310SF, 1.5-story building addition onto the existing residence, said the Intern. The proposed building addition will connect the west portion of the residence to the existing detached garage, he said. Upon completion of the addition, the detached garage will be considered part of the principal building, explained Mr. Iwicki, who concluded that, therefore, the northwest corner of the existing detached garage will be considered the closest point of the principal structure to the corner side lot line, leading to an encroachment up to 15.4 ft. into the required corner side yard setback of 30 ft. Hence, he explained, a variation from the corner side yard setback will be required. It is worth noting, said Mr. Iwicki, that the connection of the detached garage to the residence will eliminate the garage's nonconformity with other Zoning standards set forth for a detached garage, such as maximum area, as these regulations do not apply to an attached garage. The eastern portion of the detached garage, continued the Planning Intern, will be altered and merged with the new building addition to accommodate a new upper-level master bedroom and bathroom and lower-level family room. The southern portion of the building addition will also include a new ground-level mudroom, he said, adding that other renovations include removal of the existing single driveway on Dawn Avenue and converting the attached one-car garage to a ground-level family room with a fireplace, resulting in a new chimney on the southern elevation. The chimney, he said, will project approximately 3.6 ft. into the required side yard setback of 9.75 ft. where a maximum projection of 2 ft. is allowed.

The project includes the construction of a 248SF permanent roof over the existing patio at the back of the house, continued Intern Iwicki. The covered patio will be constructed in compliance with the Zoning Code setback requirements, stated Intern Iwicki. Currently, related the Intern, the property has an LCR of 17 percent. The proposed building addition and covered patio increases the LCR to 21.6 percent, said Mr. Iwicki, who explained that this exceeds the maximum allowable of 20 percent. According to the Petitioner, related the Intern, the proposed addition would make better use of the existing narrow space between the house and the detached garage and increase the finished floor area of the building to sufficiently meet residents' needs while maintaining the functionality of the backyard. The Petitioner adds that the proposed additions and alterations will improve the existing house that is currently in disrepair and maintain the essential character of the neighborhood, said Mr. Iwicki. The project will comply with all applicable building codes, he stated, adding that the applicant provided a petition containing signatures from 17 neighboring properties in support of granting the variations. Mr. Iwicki outlined ZBA action in the matter. Chairperson Constantino asked if the lot setbacks would not permit the location of the structures in the buildable area. Mr. Iwicki said this is correct, prompting the determination that the subject property is legal non-conforming.

Petitioner's Presentation

Builder Dave Ligman, 269 Newton, and Garrett Knasko, 941 Forest, both of Glen Ellyn, were sworn in. Mr. Ligman stated that while the lot is good sized, it is irregular in shape, so the request for relief represents the best option of those considered for a plan to put forward. He argued that the increased permeable surface proposed is a positive, and that razing the one-car attached garage will change the building configuration "into something much more regular." He said that a patio already exists, and that removing the one driveway (which he subsequently indicated has already been done) will provide more green space, as well as said that the design fits the neighborhood. Relating that he grew up in Glen Ellyn, Mr. Knasko suggested that the proposed is a better approach than tearing down the house.

Board Member Panther delivered proposed findings of fact. Board Member McKnight motioned to accept the findings; seconded by Member Jones, the motion passed unanimously by roll call vote.

Deliberation

Board Member Crudele said the irregular-shaped corner lot makes the proposed a “Yes” for her, adding that she appreciates the added permeable surface and that the proposed fits the character of the neighborhood. Member McKnight noted the lot has challenges posed by its shape, and said the proposed is a better use of the land by expanding indoor space and making outdoor space more sensible. Mr. Panther concurred, calling the lot shape a unique circumstance. Member Jones said he is in favor of the petition, suggesting that the proposed represents an improvement to the neighborhood. Chairperson Constantino also expressed that he is in favor of recommending granting the requested variations, as clearly the lot size creates practical difficulties and hardship, and that the neighbors’ support lends credence to the conditions. Member Crudele, seconded by Member Panther, moved to close the Public Hearing; the motion carried unanimously by voice vote. Board Member Jones moved for the following:

Having considered the application, Dave Ligman of Ligman Construction Group, representing Garrett Knasko, owner of the property located at 432 Dawn Avenue, Glen Ellyn, for zoning variations from Section 10-4-8(D)(4) to allow a corner side yard setback of 14.6 feet where a corner side yard setback of 30 feet is required in the R2 Residential District, Table 10-5-5(B)4#7 to allow a chimney to project approximately 3.6 feet into the required side yard setback where a maximum projection of 2 feet is allowed, and Section 10-4-8(E)(1) to allow a lot coverage ratio of 21.6% where a maximum lot coverage ratio of 20% is allowed for two-story single-family dwellings 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 November 8, 2022, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following hardships: The particular physical surrounding shape or topographical conditions of the property in question would bring particular hardships upon the owner as distinguished from the mere inconvenience, if the strict letter of the Zoning Code were to be carried out, because the lot is uniquely shaped and the Zoning Code as applied restricts any reasonable potential improvements that would meet residents’ needs.

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

Public Hearing for 594 Hickory Road

A motion by Board Member McKnight to open the Public Hearing concerning for 594 Hickory Road, seconded by Member Crudele, passed by voice vote.

Staff Presentation

Sworn in, Associate Planner Taylor Gendel, 535 Duane St., stated that the Petitioners, John and Mary Kate Stanfield, owners of the property at 594 Hickory Road, a corner lot located in the R2 Residential Zoning District on the southwest corner of Hickory Road and Edgewood Drive. The zoning and land use immediately surrounding the subject property is R2 single-family residential, said Ms. Gendel. The property owners, continued the Associate Planner, are requesting approval of variations from Zoning Code to construct a front porch including a variation to allow a setback of 24 ft. from the front lot line in lieu of a 37.5-ft. requirement; a variation to allow an addition of a front porch which does not conform to

all of the regulations in the R2 district on a structure that is nonconforming due to bulk; and any other zoning relief necessary to allow the proposed front porch to be constructed as depicted.

The subject property is an irregular-shaped corner lot with a curved front lot line, continued Ms. Gendel, who noted that the lot was platted years ago and is considered legal nonconforming to the current Zoning Code's minimum lot area and lot width standards. The property is improved with a two-story brick house and an attached two-car garage, and the residence was originally built in 1923 and was added to in 1979, she said. Due to the curved configuration of the front property line, stated Associate Planner Gendel, almost 54 percent of the total lot area is subject to the required front yard setback regulations, 27 percent covered by rear yard setback requirement, and 10 percent by the required corner side and interior side yards, leaving only 9 percent buildable area on the lot. As a result, she said, the house currently encroaches into the required front, corner side, interior side, and rear yard/setbacks and is technically nonconforming.

The current homeowners would like to add a front porch to their existing home, continued Associate Planner Gendel. The Petitioners' application, she related, states that the purpose of the front porch is to create a space where the family can enjoy the available outdoor space. Since there is a very small rear yard, the primary objective of this project is to make their front yard feel like their backyard, she said, as that is where their kids play outside. The proposed front porch will measure 23.91 ft. by 9.12 ft. column to column, totaling 218.05SF in area. Given the proposed location and size, the porch will qualify for the maximum 240SF lot coverage bonus and, therefore, will not impact the lot coverage ratio on the property, stated Ms. Gendel. The porch will be open on the sides, permanently roofed over, with no enclosed floor area above it, designed to comply with other standards for porches in the Zoning Code, she said. Additionally, explained Ms. Gendel, the Petitioners have indicated that the porch addition will be designed in harmony with the existing home.

The Petitioners state that the location of the existing front entrance restricts the addition of a partial front porch, which would be smaller than proposed, and requires significant interior alterations to the residence, she said. According to the Zoning Code, front porches may project up to 25 percent into the required front and corner side yards. To meet this requirement, the proposed front porch shall be set back 37.5 ft. and 16.2 ft. from the front and corner lot lines, respectively. Given the proposed front setback of 24 ft., a 48 percent encroachment, and corner side setback of 18.9 ft., a 9 percent encroachment, a variation from the maximum 25 percent encroachment into the required front yard setback will be required. The variation request from the maximum allowable porch projection into the front yard triggers an additional variation which restricts additions to nonconforming structures.

Accordingly, explained Ms. Gendel, a nonconforming building or structure other than a single-family dwelling, which is nonconforming only as to bulk, shall not be added to or enlarged in any manner unless such additions or enlargements thereto are made to conform to all regulations of the district in which it is located. As the proposed porch addition will not conform to the maximum 25 percent projection permitted into the required front yard in the R2 District, she noted, the second variation will be required.

Neighbors from six properties in the neighborhood signed a petition in support of the proposed front porch, related Ms. Gendel, who proceeded to outline ZBA action on the matter.

Member Jones sought clarification relative to the setback distance of the house to the south. Sworn in, Sr. Planner Fard replied that the building setback on this property is greater than 50. The requirement is 30-ft. or the closest neighbor, she explained, saying that since the neighboring setback is more than 50, the maximum has to be observed.

Chairperson Constantino sought clarification as to whether, if the lot was vacant, only 9 percent would be permissible to build on, given the curved lot line. Ms. Fard said porches can encroach by almost 25 percent into the front and corner side (but no other), which is hard to be met given the shape of the subject lot.

Petitioner's Presentation

Sworn in, Architect Tom Budzik, 2800 S. River Road., Des Plaines, Ill., pointed to the curve at the northeast corner as the culprit, as well as said that the home's positioning leaves no functional rear yard.

Board Member Panther delivered proposed findings of fact. Board Member Crudele motioned to accept these findings; seconded by Member McKnight, the motion passed unanimously by voice vote.

Deliberation

Board Member Crudele said that due to the lot shape, she is in favor of the variation. Member McKnight said she, too, is in favor, citing lot challenges, and said the improvement will match the architectural character of the existing home and of the neighborhood, and better meet owner needs. Member Panther echoed comments, citing a challenging setback, while Member Jones concurred. Saying that nothing was brought on by the owners, Chairperson Constantino expressed favor, noting limitations of the lot shape.

Member Jones moved for the following:

Having considered the application of John and Mary Kate Stanfield, owners of the property at 594 Hickory Road, Glen Ellyn, for zoning variations from Section 10-5-5(B)4#25(b) to allow a front porch setback of 24 feet from the front lot line in lieu of a 37.5 feet requirement; and from Section 10-8-6(B)2 to allow an addition of a front porch which does not conform to all regulations of the R2 district on a structure that is nonconforming due to bulk, 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 November 8, 2022, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following hardships:

- Due to characteristics of the of the property in question, there are practical difficulties or particular hardships for the applicant/owner in carrying out the strict letter of the Zoning Code;
- Because the subject property is an undersized, irregular-shaped corner lot which does not meet the R2 District's lot requirements and subsequent building setbacks they need to limit buildable area on the lot;
- The requested variation, if granted, will not alter the essential character of the locality of the property in question.

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

Member Panther, seconded by Member Jones, moved to retroactively close the Public Hearing; the motion carried unanimously by voice vote.

Staff Report

Sr. Planner Fard reported that there is only one potential case – a proposed combination carport and deck – for a December 13th meeting.

Trustee's Report

Sr. Planner Fard related a report from Trustee Liaison Gould announcing several Village Board approvals: a Special Use for a medical spa on Duane; a liquor license; new lighting on Taft; two recent church cases – one to operate on Sundays 8-noon in the Main Street Recreation Center, the other to occupy an old church building at 596 Prairie; a variation for the Lorraine property previously considered by the ZBA, and the Glen Estates subdivision at Hill and Cumnor. The Board has also had budget meetings and workshops.

Adjournment

Chairperson Constantino adjourned the meeting at 8:03 p.m., following a voice vote on a motion by Member Jones and which was seconded by Member Panther.

Respectfully submitted,

Barbara Dutton-Thomas

Recording Secretary