

MINUTES
ZONING BOARD OF APPEALS MEETING
February 28, 2023

Call to Order and Roll Call

Recording Secretary Barbara Dutton-Thomas opened the meeting at 7:03 p.m. A motion to assign Member Jones Acting Chairperson for the evening was made by Member Miller and seconded by Member Thomas Whalls. The motion passed by roll call vote, with all Members Miller, Whalls, McKnight, Jones and Crudele voting, "Yes." Acting Chairperson Jones explained the Zoning Board of Appeals (ZBA) advisory function, and process of deliberation and recommendation, and related notice of the meeting. Roll was called: Members Chip Miller, Christiane McKnight, Matthew Jones, Katie Crudele and Tom Whalls were present. Member Reed Panther joined the meeting later, having recused himself from the first case; Chairperson Gregory Constantino was absent. Acting Chairperson Jones described the Public Hearing proceeding protocols, and introduced Senior Planner Atrian Fard, Planner Derek Rockwell, Recording Secretary Barbara Dutton and Village Board Liaison Anne Gould.

Approval of Meeting Minutes

A motion by Member McKnight to approve the draft minutes of the Jan. 10, 2023 meeting as amended was seconded by Member Crudele and passed by voice vote.

Public Hearing for 228 Grandview Avenue

A motion by Board Member Whalls to open the Public Meeting concerning for 228 Grandview Avenue, seconded by Member Miller, passed by roll call vote, with all members present voting, "Yes."

Staff Presentation

Sworn in, Derek Rockwell, Planner 535 Duane St., Glen Ellyn, introduced the case concerning variations to allow an addition to the property at 228 Grandview. The property, related Mr. Rockwell, is an interior lot located in the R2 Residential Zoning District on the west side of Grandview Avenue, two lots south of Valley Avenue. The zoning and land use immediately surrounding the subject property are R2 single-family residential, he added. The property is an irregular-shaped interior lot with an angled rear lot line, he continued, adding that it is improved with a one-story frame residence and an attached one-car-garage. The residence was constructed in 1952 and is considered legal nonconforming due to the overall lot coverage and setbacks from the front, side and rear lot lines, stated Mr. Rockwell. Tonight's proposal, he said, includes a footprint expansion of 27.84 SF to allow for the two-story addition. This is the only change proposed with respect to expansion of the existing footprint of the home, he said, adding that the small footprint additions do not expand on the existing home's nonconforming status with respect to required minimum setbacks. As such, he concluded, the requested variations regarding the setbacks are not borne of any actions proposed by the current homeowners and are required only as an effort to formalize and memorialize the existing nonconformities. The Petitioners have also requested a variation to allow an increase in maximum lot coverage on the property from 20 percent to 23 percent, continued Mr. Rockwell. The existing lot coverage, prior to the 27.84SF expansion of the footprint of the home, is 22.7 percent. Hence, he explained, the proposed lot coverage expansion amounts to a 0.3 percent lot coverage increase from current conditions.

The Petitioners are proposing a two-story addition that is primarily vertical in nature. The proposed addition would accommodate the relocation of first-floor bedrooms, a kitchen expansion, several new bathrooms, a study room, and an open play area, said Rockwell. The Petitioners, he continued, propose an increase in the maximum eave height from a maximum of 25 ft. to 28.75 ft. This measurement is taken from the average existing grade to the eave of the dormer on the top floor of the rear (west) elevation. The maximum proposed ridge height of the proposed addition is 35 ft., stated the Planner, who said this is compliant with the requirements of the Zoning Code for this property, so the height variance is borne out of the dormer needing a 3.75-ft. height variation. Therefore, he explained, the total bulk of the building is not adversely impacted by that variation request. Village code, he related, states that the maximum eave height shall not apply to dormers which are less than 8 ft. in width. As such, he said, the proposed dormer has to meet that 25-ft. maximum height, per Code. The last variation is a request to allow a Class II alteration to a nonconforming single-family dwelling, said the Planner. A Class II alteration is defined as any change to the exterior structure (including exterior finishes) of a building which alters a total area of between 50 percent and 75 percent of the existing building, he explained. The Petitioners propose an alteration of 51 percent, which amounts to 1 percent over and equates to 53.86SF of overage, said Mr. Rockwell, who proceeded to outline ZBA action.

Petitioner's Presentation

Chris Van Sickle, 228 Grandview Avenue, and Jamie Simoneit, Z + O Architecture, 504 Hillside Avenue, were sworn in. Mr. Van Sickle expressed that his family is pleased with the neighborhood and wants to make the house one that will allow them to "stay here forever." Mr. Simoneit, who related that he'd been to the same home previously to consult with then-owners considering alterations, said the house is small and outdated and has only a one-car garage. Because of these shortcomings, he indicated, the design direction is to "go vertical." The plan, he explained is to move the bedrooms upstairs, though keeping one on the first level for a work-from-home office. Along with the non-conforming lot, he counted as a hardship the existing house being built prior to current code. Saying that he suspects a garage might have existed previously, Mr. Simoneit proposed positioning the new garage into the footprint of the home to limit mass. He said the eave height regulation was adopted in 2002, "kind of tying my hands as a designer," and that he is pressing for the restriction to be modified. Pointing to the 1 percent overage on the Class II addition, he said this Code provision also needs adjusting. He said he's done similar projects that have been very "fruitful" for him and the occupants.

ZBA Member Whalls asked if the six variations requested had been done so individually whether they would have been granted. Planner Rockwell said he couldn't say, but noted that much of what Mr. Simoneit related is Staff's professional reading of the Code as well. Mr. Rockwell added that Mr. Simoneit is correct in that the only one borne of this situation is the dormer eave height and that the rest would be present in any work to the property, so Staff looks favorably on them. Acting Chairperson Jones asked the Petitioner if the improvements proposed would allow the home to meet occupant needs for 100 years. Mr. Simoneit responded affirmatively, ticking off amenities the addition would bring, and said the finished product would be 3,618GSF.

Public Input

The Petitioner produced a "petition for approval" endorsing the project, signed by the following neighbors: Michael Marra, 223 May Ave.; Richard and Katie Prescott, 219 May Ave.; Janis and Jerry Pfister, 227 May Ave.; Mark Gilbert, 861 Valley Ave.; and Teresa Pehta, 221 Grandview Ave.

Member McKnight moved to close the Public Hearing. Seconded by Member Crudele, the motion passed by voice vote. Member Whalls delivered Findings of Fact, which were accepted on a voice vote following a motion by Member Crudele, which was seconded by Member McKnight.

Deliberations

ZBA Member McKnight said she is in favor of approving the Petition, saying that three of the variations are necessitated by Code changes, other variations are relatively minor, the proposed plans fit the essential character of the neighborhood, and the relatively minor expansion of the footprint of the house will make it more functional. Member Crudele concurred, as well as expressed the belief that if variations had been sought separately they would have been worked out by Staff. Member Miller said there are already houses of similar height in the neighborhood. He said the peak of the front being higher than the dormer in the back, and less bulk, “make sense,” offering a better view for the backyard neighbors, and that the design carries minimal footprint changes. Member Whalls approved, citing no apparent drainage issues or view obstructions. Complimenting the garage design, Acting Chairperson Jones said he is in favor. Member Miller moved for the following:

Having considered the application of Chris and Lindsay Van Sickle, owners of the property at 228 Grandview Avenue, Glen Ellyn, for:

1. A variation from Section 10-4-8(D)2 to allow the existing single-family dwelling to encroach approximately 7.5 feet into the required rear yard setback of 40 feet.
2. A variation from Section 10-4-8(D)3 to allow the existing single-family dwelling to encroach approximately 2.10 feet into the required southern interior side yard setback of 7.5 feet (10 percent of the lot width);
3. A variation from Section 10-4-8(D)3 to allow the existing single-family dwelling to encroach approximately 1.85 feet into the required northern interior side yard setback of 7.5 feet (10 percent of the lot width);
4. A variation from Section 10-4-8(E)1 to allow an increase in maximum lot coverage ratio from 20 percent to 23 percent to allow an addition to the existing single-family dwelling;
5. A variation to Section 10-4-8(F)1 to allow an increase in maximum eave height from 25 feet to 28.75 feet;
6. A variation to Section 10-8-6(B)3 to allow a Class II alteration to a nonconforming single-family dwelling;

the Zoning Board of Appeals hereby adopts the findings of fact in the petitioners’ application packet and the presented by the petitioners at the Zoning Board of Appeals public hearing conducted on February 28, 2023, 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 hardships:

- The existing lot is nonconforming on a nonconforming block;
- The dormer peak height in the back is lower than the conforming peak in the front and it also is less bulky and a better view for the backyard neighbors;
- Minimum footprint changes to make a two-car garage without increasing the south footprint; and
- Homeowners building up to minimize the lot coverage increase.

Seconded by Member Crudele, the motion passed unanimously by roll call vote, with Members Miller, Crudele, McKnight, Whalls and Jones voting, “Yes.”

Staff Report

Senior Planner Fard announced that the March ZBA regular meeting is scheduled to be held on the 14th, with a garage expansion case to be considered.

Trustee’s Report

Related Trustee Liaison Gould that she was assigned to be the liaison to the Housing Study Steering Committee, and invited participation in a survey about current and projected housing needs. Another survey, she said, has been established to glean information relative to lead service line testing. She reported that the Board approved expenses for engineering services in connection with train station work.

Public Hearing for 240 Glenwood Avenue

A motion by Board Member McKnight to open the Public Meeting for 240 Glenwood Avenue, seconded by Member Crudele, passed by voice vote.

Staff Presentation

Sworn in, Sr. Planner Atrian Fard, 535 Duane St., stated that the property at 240 Glenwood Avenue – in a case before the ZBA a second time – is in the R2 district, an irregular-shaped reversed corner lot with a curved corner side lot line fronting Arlington Avenue. The property is improved with a two-story brick house and an attached one-car-garage, continued Ms. Fard, who stated that the residence was built in 1955 and is considered legal nonconforming due to the overall lot coverage and setbacks from the front, corner side, and rear lot lines. The Petitioners are proposing the addition of an elevated deck with a partial carport beneath, on the south side of their home over the existing driveway, she explained. The existing garage can only fit one car, and it would be costly for homeowners to expand it, she stated, adding that there is also no room in the rear yard for the addition to the existing attached garage. The proposed carport will serve as an extension of their garage, providing coverage for a second vehicle parked on the driveway. The proposed carport will measure 12 ft. wide by 18 ft. long, she said. Due to the slope of the driveway down to the attached garage, noted Ms. Fard, the carport would have an 8.5-ft. clearance at the garage entrance and 7.5-ft. clearance at the southernmost edge or the entry point to the carport.

On top of the carport, continued Sr. Planner Fard, the Petitioners propose the construction of an elevated deck. The proposed deck would be L-shaped and extend beyond the area to be used as a carport, she said, and noted that a 36-in. tall railing would be installed on the deck for safety purposes. The deck would be uncovered and allow for approximately 216SF of seating area atop the carport, and approximately 49SF walkway that would provide access from the outdoor seating area to a new set of French doors on the second floor, she elucidated. Due to the grade changes on the south and east sides of the home, she said, the walkway portion of the deck would only have 4.1 ft. of clearance from the ground level. Given the nonconforming placement of the home on the lot, undersized rear yard, and restrictive setback requirements for corner lots, she stated, there is insufficient buildable area on the lot without requiring granting of a variation. Currently, there is only a small brick patio on the north side of the residence, added Fard, who said this elevated deck would provide the Petitioners with sufficient space for outdoor seating, which would be screened from the street view by relatively dense foliage present on the property.

As the elevated deck will be located on the south end of the home, continued Sr. Planner Fard, it will encroach into the required rear, front and corner side yards; two of these encroachments she suggested were modest. Due to the considerable changes in grade on the lot, said Ms. Fard, the home appears to be two stories from the vantage point of the driveway, which carves out a path to provide access to the attached garage. So, she explained, the home is considered two stories, with a maximum allowable lot coverage ratio (LCR) is 20 percent (for more than one-story homes). The deck structure would act as a cover for a portion of the driveway and thus would be included in the overall calculation of lot coverage, she added, pointing out that the walkway was not included in the calculation of lot coverage. She said that the Petitioners seek a variation from the maximum 20 percent LCR, to increase it from the existing 23.16 percent to 27.2 percent to add the carport. She recalled that when the case was presented in a Public Hearing on Jan. 10, 2023, one neighbor spoke in opposition, and one submitted a letter in support. After some discussion, related Ms. Fard, the ZBA decided to continue the Public Hearing to a second hearing in which they could review a more detailed plan for the proposed elevated deck/carport. The Petitioners provided architectural drawings to Staff on Feb. 10, 2023, stated Ms. Fard, who outlined ZBA action.

Board Questions

Member Miller asked Senior Planner Fard if the Village has ever approved an LCR as big as 27.2 since she has been here. Ms. Fard said it is not impossible, explaining that with the garage carved out underground rendering the house a 1.5-story structure under Code, the requirements are harder to meet. Functionally, she explained, the house is one-story, which permits a 35 percent maximum LCR. Mr. Miller asked how much the LCR would be reduced if the property came to the sidewalk. Ms. Fard replied that “eyeballing” it, she thinks at least 1 percent, adding that the setbacks would be better. Acting Chairperson Jones asked if the Village could sell the Petitioners the parkway between their home and the sidewalk, and whether any requirements dictate the parkway width. Ms. Fard said the Subdivision Code specifies minimum right-of-way width and, that while there have been instances of sales (e.g., private streets difficult for Public Works to maintain), there is no reason for the Village to vacate land in this case.

Petitioner’s Presentation

Sworn in, Paul Zumbrook, 240 Glenwood Ave., Glen Ellyn, stated that he hired an architect and “got some good drawings.” Acting Chairperson Jones asked him if he was comfortable with what he is getting and whether it resolves problems associated with a one-car garage. Mr. Zumbrook related that when he had to brush off his car and shovel the driveway after a recent snowfall, he was reminded of the reason he is seeking the variances. He added that the project will also allow the Petitioners “to better enjoy where we live.”

The Public Hearing was closed upon a motion made by Member Crudele, and which was seconded by Member Panther. Board Member Whalls delivered proposed findings of fact, including an overview of permitting history. Board Member Miller moved to accept the findings; seconded by Member Crudele, the motion passed by voice vote.

Deliberations

Board Member Whalls said he’s a “Yes,” citing more functionality through the plan, Village culpability in creating the footprint, no view obstructions nor public objections expressed at the meeting, and the

story classification. Member Panther observed that there are “definitely hardships” created by the lot dimensions/footprint, and said he sees a need for additional covered parking. He added that, while he is still “a little leery” about a covered deck being so close to the neighbors to the west, he leans in favor. Member McKnight said she’d struggled with the ambiguity of not knowing the exact plan, so appreciates the drawings, and is in favor of approval, seeing improved use of the property. Also in favor, Member Crudele said after seeing the plan, she is comfortable with the proposed. Despite voicing a dislike of carports, Member Miller, said he is in favor of the proposed, but put forth the idea of requesting it be pulled from the Board consent agenda, a suggestion that sparked discussion of the merits and risk in doing so. Acting Chairperson Jones said he had no problem with the lot coverage, but is uncomfortable with approving something as different as a carport-deck combo. Saying he is “barely a ‘yes,’” but recognizing the constraints posed by the unusual lot, Member Miller moved for the following:

Having considered the application of Paul and Lesa Zumbrook, owners of the property at 240 Glenwood Avenue, Glen Ellyn, for a zoning variation from Section 10-4-8(E)1 to allow a lot coverage ratio of 27.2 percent for an addition of a carport with an elevated deck on a single-family dwelling of more than one-story; a variation from Section 10-5-5(B)4#8(c) to allow an elevated deck to encroach approximately 5.7 feet into the required rear yard setback of 12.1 feet (10 percent of the lot width); a variation from Section 10-5-5(B)4#8 to allow an elevated deck to encroach into the required front yard setback of 30.7 feet, where decks are not permitted obstructions in a required front yard setback; and a variation from Section 10-5-5(B)4#8 to allow an elevated deck to encroach into the required corner side yard setback of 30 feet, where decks are not permitted obstructions in a required corner side yard setback, the Zoning Board of Appeals hereby adopts the findings of fact in the petitioners’ application packet and the presented by the petitioners at the Zoning Board of Appeals public hearing conducted on February 28, 2023, 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 hardships:

- It’s a nonconforming lot and the home is basically shoe-horned into a corner lot;
- If it were considered a ranch, they would have a 35-percent LCR instead of the 27.2 they have for more than one story;
- Carports are rare but they are not completely unusual in Glen Ellyn; and
- The resident who was against the project is not here tonight.

With the following conditions: The Village Board take this property off of the consent agenda.

Seconded by Member Whalls, the motion passed by roll call vote as follows: Members Miller, Whalls Crudele, McKnight, Panther and Acting Chairperson Jones voted, “Yes.”

Adjournment

Acting Chairperson Jones adjourned the meeting at 8:44 p.m., following a voice vote on a motion by Member McKnight and which was seconded by Member Whalls.

Respectfully submitted,

Barbara Dutton-Thomas

Recording Secretary