

DRAFT MINUTES
ZONING BOARD OF APPEALS MEETING
March 14, 2023

Call to Order and Roll Call

The meeting commenced at 7:20 p.m., with Chairperson Greg Constantino explaining the advisory nature of the Zoning Board of Appeals (ZBA) and its process of deliberation and recommendation. After he related the notice given for the meeting's Public Hearing, roll was called. Present: Chairperson Constantino and Board Members Christiane McKnight, Katie Crudele and Reed Panther; Board Members Chip Miller, Matthew Jones and Thomas Whalls were absent. The Chairperson described the Public Hearing protocols, announced that the meeting is being recorded, and introduced Village Senior Planner Atrian Fard, Recording Secretary Barb Dutton and Village Board Liaison Anne Gould.

Approval of Meeting Minutes

A motion by ZBA Member Crudele to approve the draft minutes of the Feb. 28, 2023 meeting, seconded by Member Panther, passed unanimously by roll call vote, with all ZBA members present voting, "Yes."

Public Hearing for 734 Highland Avenue

A motion by Board Member McKnight to open the Public Meeting for 734 Highland Ave., seconded by Member Crudele, passed by roll call vote, with all members present voting, "Yes."

Staff Presentation

Sworn in, Atrian Fard, Senior Planner, 535 Duane, stated that the Petitioners, Timothy and Anne Payne, owners of the property at 734 Highland Avenue, request approval of variations to allow expansion of a detached garage. The property, she said, is an interior lot located in the R2 Residential Zoning District on the west side of Highland Avenue between Oak Street and Maple Street. The zoning and land use immediately surrounding the subject property is R2 single-family residential, she said. The property is improved with a two-story house and a detached one-car garage with an attached shed in the back, attributing to a lot coverage ratio (LCR) of 22.13 percent, stated Ms. Fard. The Petitioners built the garage in 2007, she said, noting that at the time, a foundation was poured for a two-car garage in accordance with the 2007 Building and Zoning Codes. However, only a one-car garage with a back storage shed, totaling 404SF, was built on that foundation, along with an adjacent carport partially covered by a pergola. The carport area measures approximately 242SF, said the Sr. Planner. The design intended to cut the construction costs and use the open carport space as a patio but eventually to cover and enclose the carport area to create a detached two-car garage, related Ms. Fard.

Since 2007, continued the Senior Planner, the Zoning Code has been amended, reducing the maximum allowable LCR from 25 percent to 20 percent for a residence with more than one story in R2 District. The current lot coverage regulations make the existing residence with a one-car garage and shed nonconforming, even without the addition to the garage, she noted. Overall, explained Ms. Fard, the home is considered legal nonconforming due to the LCR, lot area, lot width, and interior side yard setback from the south property line. The Petitioners, she related, propose to remove the existing carport with pergola and expand the existing detached garage for 242SF (11-ft.-wide by 22-ft.-long of an addition) to create a two-car garage.

The Zoning Code, explained Ms. Fard, considers pergolas as uncovered freestanding accessory structures, which are not included in the calculation of LCR. So, she said, the conversion of the existing carport with pergola to a covered garage addition will increase the current legal nonconformity of LCR by approximately 2 percent, leading to a total LCR of 24.1 percent, which requires a zoning variation. Code permits freestanding accessory structures located anywhere on a zoning lot to cover up to 30 percent of a required rear yard or 1,000SF, whichever is less. The property has a required rear yard of 2,000SF due to the 50-ft.-wide lot and 40-ft.-deep required rear yard setback, leading to a maximum allowable accessory structure coverage of 600SF, stated Sr. Planner Fard. As proposed, she continued, the new footprint of the garage will be 646SF, which exceeds the 600SF by 46SF, or 2.3 percent. The proposed garage footprint would be within the existing garage foundation, so there would be no expansion of the impervious surface, concluded Ms. Fard. With keeping the footprint unchanged, she stated, Staff believes that the proposed improvement will not negatively impact the drainage of the property when compared with the existing conditions. However, as part of the building permit, she said, the drainage of the property will be checked by the Village's stormwater engineers. The Petitioners note that the expansion would be modest and unnoticeable to their neighbors and surrounding community, reported Ms. Fard, who said that, as of completion and preparation of this report, there have been no comments received in support or opposition of the variations requested from the neighbors. To construct the garage addition as proposed, the Petitioners would need to be granted a variation from the Zoning Code to allow a LCR of 24.1 percent and a total combined area of all freestanding accessory structures on a zoning lot to be 646SF or 32.3 percent of the required rear yard. The outcome of the project provides. Sr. Planner Fard outlined ZBA action to be taken on the case.

Board Member McKnight asked if in 2007 the plans were approved for a two-car garage or for the one-car garage with the pergola/carport. Ms. Fard said she believes that at the time the Petitioners received approval for the impervious surface, but did not submit for building permit for a two-car garage but rather for a one-car. She added, however, that actual foundation was approved for an intended two-car garage, which, based on the building and zoning code at the time, could have been constructed without a variance. Subsequently, Chairperson Constantino discerned that the Petitioners "got caught between the original approval and the time of construction with the interim zoning approval."

Petitioners' Presentation

Steven Poteracki, Studio 1 Architects, 1105 Burlington Ave., Western Springs, Ill., and Tim Payne, 734 Highland Ave., Glen Ellyn, and were sworn in. Mr. Poteracki explained that the garage expansion was designed to keep in character with the house and the scale down. He stated that the foundation that was poured was meant to hold the two-car structure, but said that the project "took a hit" with the LCR change. He also said the garage expansion is not increasing the impervious surface. Chairperson Constantino asked him if the design intent for the new structure is to blend in with the house and not alter the appearance/style other than enclosing the pergola area. The Architect indicated it will probably make it more cohesive and more detail-oriented towards the existing house. Mr. Payne invited questions about the hardship aspect of the request, and pointed to neighbor who was present at the meeting to offer moral support. Mr. Payne suggested that the LCR increases seem like small numbers to the Petitioners, but acknowledges that they represent big decisions for the ZBA, which is responsible for applying standards consistently. Mr. Payne said that his family been in the community since 1996 and that they want to maintain the character of the Village, "street by street, block by block, square foot by square foot."

Going “beyond the numbers,” however, Mr. Payne said he wished to present these hardships he identified: 1.) Financial, 2.) Enjoyment, and 3.) Hindsight. He explained that he thinks the house is worth more with a two-car garage. He also argued that, having spent money already on the foundation, the Petitioner has to augment the structure in a way to try to get closer to a better square footage is a hardship, given that their shed is needed for storing garden supplies. An additional enjoyment factor he suggested is having a two-car garage, which supports a safer, more convenient parking environment. He indicated that, in hindsight, while the Petitioners could have built the two-car garage in 2007, the decision was made to focus instead on college costs for four children. With the youngest now a sophomore, he stated, the project is more affordable. He concluded his presentation by asserting that the request is “very measured” and modest.

Public Comment

Sworn in, Brett Herand, 738 Highland, Glen Ellyn, stated that he fully supports the petition for variance, and has no concerns whatsoever.

Informed by Ms. Fard that the draft findings of fact could be referenced in (and attached to) the final motion, Board Member Crudele expressed the desire to identify the subject property’s characteristics (e.g., narrow width) as a hardship.

Deliberations

Member McKnight said she tends to be in favor of approving the request citing the purchase of the property prior to the Code change, and the foundation being put in at a time when [the two-car garage] would have been permitted by Code. She added that the expansion would not increase the impervious surface, and deemed the requests to be relatively minor. Ms. Crudele said she is in favor for these same reasons, as well as the lot’s narrow width, and noted that if the Petitioners had done the full project in 2007, it would have been there today. Board Member Panther said he views the substandard lot area as a hardship, so is in favor of the petition. Remarking that he is in favor for all of the reasons mentioned, Chairperson Constantino emphasized that there are no drainage issues nor increased impervious surface to be introduced by the proposed. He also noted not hearing any objections to the petition, and expressed appreciation of the support of the neighbor who gave testimony at this evening’s hearing.

Member McKnight moved to close the Public Hearing for the evening. Seconded by Member Panther, the motion passed following roll call vote, with all ZBA members present voting, “Yes.”

Member Panther moved for the following:

Having considered the application of Timothy and Anne Payne, owners of the property at 734 Highland Avenue, Glen Ellyn, for zoning variations from Section 10-4-8(E)1 to allow a lot coverage ratio of 24.1 percent where a 20 percent maximum lot coverage ratio for two story single-family dwellings is allowed in the R2 Residential District, and Section 10-5-4(A)2(a) to allow the total combined area of all freestanding accessory structures on a zoning lot to be 646 square feet, where total combined area is limited to 1,000 square feet, but no more than 30 percent of a required rear yard, whichever is less, the Zoning Board of Appeals hereby adopts the draft findings of fact in the petitioners’ application packet and presented by the petitioners at the Zoning Board of Appeals public hearing conducted on March 14, 2023, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following hardship or unique circumstances:

1. The lot width is substandard compared to the minimum lot width in the Zoning Code;
2. The lot area is substandard compared to the minimum required in the Zoning Code;
3. The unique circumstance that the Village lot coverage ratio decreased from 25 percent to 20 percent after the applicants had expanded their residence and reconstructed the garage, with a foundation poured ultimately for a two-car garage;
4. That the existing footprint in the rear yard will not be expanded; and
5. This is subject to the condition that the project shall be constructed in substantial conformance with the plans as submitted and testimony presented at the March 14, 2023, public hearing of the Zoning Board of Appeals.

Seconded by Member McKnight, the motion carried unanimously by roll call vote with Members Panther, McKnight and Crudele, and Chairperson Constantino voting, "YES."

Trustee's Report

Village Board Trustee Gould related that expenses were approved for Phases 2 and 3 of the Streetscape project, as well as was an updated agreement with the Forest Preserve concerning the McKee House, for which a user group has been identified. A second phase of engineering was also approved for the train station and underpass.

Staff Report

Sr. Planner Fard reported that the next ZBA meeting might feature a case involving a fence. And, while other cases are under review, she said she doesn't know if any will make the agenda, given staff shortages. She said her last day at the Village is March 24th, to which Chairperson Constantino wished her best of luck and expressed appreciation for her efforts.

Adjournment

Chairperson Constantino adjourned the meeting at 7:56 p.m., following a voice vote on a motion by Member Crudele and which was seconded by Member Panther.

Respectfully submitted,

Barbara Dutton-Thomas
Recording Secretary