

MINUTES
ZONING BOARD OF APPEALS MEETING
January 10, 2023

Call to Order and Roll Call

The meeting commenced at 7:06 p.m., with Chairperson Greg Constantino explaining the advisory function 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 Miller, McKnight, Jones, Crudele and Whalls; Board Member Panther was absent. The Chairperson described Public Hearing proceeding 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 Whalls to approve the draft minutes of the Nov. 8, 2022 meeting, seconded by Member Miller, passed unanimously by roll call vote, with all present voting, "Yes."

Public Hearing for 240 Glenwood Avenue

A motion by Board Member Crudele to open the Public Meeting concerning for 240 Glenwood Ave., seconded by Member McKnight, passed by roll call vote, with all members present voting, "Yes."

Staff Presentation

Sworn in, Senior Planner Atrian Fard, 535 Duane St., stated that approval of zoning variations is being sought for the property at 240 Glenwood Avenue to allow the construction of a carport with an elevated deck. The property, she explained, is located in the R2 Residential Zoning District on the northwest corner of Glenwood Avenue and Arlington Avenue, and is surrounded by R2. The subject property is an irregular-shaped reversed corner lot with a curved corner side lot line fronting Arlington Avenue, she continued, adding that it was platted years ago and is considered legal nonconforming to current minimum lot area standards. The property is improved with a two-story brick house with an attached one-car-garage, she said, explaining that the residence was built in 1955 and is also 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, said Ms. Fard. The existing garage can only fit one car, and it would be costly for homeowners to expand it, stated the Senior Planner. The proposed carport will serve as an extension of their garage, she explained, providing coverage for a second vehicle parked on the driveway. There is also no buildable area in the rear yard (west of the property) for the addition to the existing attached garage or construction of a new detached garage, noted Ms. Fard. The proposed carport will measure 12-ft. wide by 18-ft. long, she noted. Due to the slope of the driveway down to the attached garage, she said, the carport would have a 94-in. clearance at the garage entrance and 84-in. clearance at the southernmost edge or the entry point to the carport. On top of the carport, she said, 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, added Ms. Fard. A 36-in.-tall railing would be installed on the deck for safety purposes, she continued, adding that the deck would be uncovered and allow for approximately

216SF of seating area atop the carport, and a 50SF walkway that would provide access from the outdoor seating area on the deck to a new set of French doors on the second floor. She explained that a drawing of the concept was not included in the Board packet, since the Petitioners are no longer working with the architect who produced the rendering. Due to the grade changes on the south and east sides of the home, the walkway portion of the deck would only have 56 in. of clearance from the ground level, explained the Senior Planner. 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 this lot without requiring any variation. The elevated deck, she continued, would provide the Petitioners with sufficient space for outdoor seating, which would be screened completely from the street view by the relatively dense foliage present on the property.

The Village's Zoning Code does not regulate carports, so the entire structure would be considered an elevated deck that would also cover a portion of the existing driveway, explained Sr. Planner Fard. The Zoning Code, she related, defines a deck as "an open and roofless platform that adjoins a principal building and is supported by a means other than the principal structure." Per Code, she added, decks are only permitted obstructions in rear yards with the limitation that it must be open and uncovered; shall not be built higher than 7 ft. above the average level of the adjoining ground when located in the required rear yard setback; and shall be no closer to a rear property line than 10 percent of the lot width. The proposed deck will be open and uncovered and will comply with the height restrictions, stated Ms. Fard.

In terms of the location, she continued, the proposed elevated deck will be located on the southwest end of the home, and will have the potential to encroach into the required rear, corner side, and front yards. To construct the elevated deck and carport as proposed, explained Ms. Fard, variations from Zoning Code will be required to allow the deck to encroach approximately 5.6 ft. into the required rear yard setback of 12.1 ft., and also to encroach into the required front yard setback of 30.7 ft., where decks are not allowable obstructions in a required front yard setback; and to encroach into the required corner side yard setback of 30 ft., where decks are not allowable obstructions in a required corner side yard setback. The Petitioners hope to design the carport and deck to be compliant with the requested setbacks, she noted.

The home is functionally one story, as seen from Glenwood Avenue, but due to the considerable changes in grade on the lot, related 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. Due to this feature, she explained, the home is considered two stories with a maximum allowable lot coverage ratio of 20 percent for more than one-story homes, instead of the 35 percent that would be typically allowable for 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 noted. As a result, she said, the Petitioners seek a variation from maximum 20 percent lot coverage ratio standard to increase the existing lot coverage from 23.16 percent, which is already nonconforming to 26.5 percent to add the carport. Senior Planner Fard outlined ZBA action for the case, and read into the record the following letters received from the public:

Don and Amy Erickson: *In response to the 240 Glenwood variance(s) request, please consider responses below in respectful opposition to the variance requests.*

General comments:

☐ *Adding a front deck to the property brings activities, noise and commotion to the neighborhood. Also, carports and decks in a front yard or a corner side yard are not consistent with the aesthetics or open space feel of the neighborhood. As stated in the Development Review process, these items “alter the essential character of the locality.”*

☐ *The request is extensive, impacting 4 key zoning elements (lot coverage, rear yard, front yard, corner side yard).*

☐ *Additionally, the request is overly broad with Items 3 and 4 not specifying the amount of encroachment in the respective yard setback, and with Item 5 requesting “any other zoning relief necessary to allow proposed elevated deck with carport to be constructed as depicted...”*

Based on the information provided, it is suggested the extent of any variation be clearly defined.

While it is acknowledged that the property is unique in size and orientation, none of these facts were unknown at the time of the 2022 purchase.

Thank you for the consideration.

Daniel Conaway: *Dear Zoning Board members: My name is Daniel Conaway and I have lived at the corner of Greenfield and Glenwood – four houses from 240 Glenwood – for 32 years. I am a retired engineer.*

I have seen a lot of change in our Village over that time; plenty of small ranch houses like mine have been demolished in favor of builders putting up much larger mansions here in that time, and this neighborhood has been no exception.

I love our neighborhood and the Village. I made a choice two decades ago to stay instead of selling-out to a builder, and repeated the choice three years ago when my wife and I committed to retirement here with a modest rebuild of our kitchen and garage – by our terrific contractor who ALSO lives here in GE just a few blocks away. I love that some of our neighbors grew up in this neighborhood and have actually moved back into the houses in which they were raised.

When the hearing notice arrived, I called the Village and spoke to Taylor Gendel, who sent me a copy of the application and gave generous time to answer my questions about the request. I’m happy to see the Zumbrooks proposing a small carport-and-deck on their new house especially after knowing the former property owner and her challenges there; corner lots are problematic, and their proposal goes a long way toward making that small lot and its single tuck-under garage much more usable. The proposed intrusions into the set-back spaces look and sound minimal, and the requested structure appears to be almost entirely sited on the BLIND-side of their closest neighbor, the house immediately to the west at 480 Arlington.

I have met the Zumbrooks, and have NOT discussed the project with them in any way, nor did they ask me to comment on their request, write this letter, or attend the hearing – but as a neighbor who would be looking at the suggested structure every day I step out of my own back door, I support approval of the new owners’ application for variances as proposed.

Board Questions

Member Crudele asked the configuration of the proposed carport/deck, to which Ms. Fard explained that the carport is underneath the sitting area, with the deck a little larger. Ms. Crudele asked if other carports have been documented in the area. Ms. Fard cited one at 261 Main (though Member Miller disagreed with the categorization), which she said is more of a complicated structure, akin to a gazebo. Ms. Crudele asked if the proposed had undergone Village Engineer review and whether there were any concerns about water runoff. Ms. Fard replied that the proposed presents no change in impervious surface. Board Member Jones sought clarification of how a garage affects whether the house is considered one or two story. Sr. Planner Fard explained the rationale for distinguishing between the two, identifying the garage as one of the hardships. To a further query from Mr. Jones, she said the carport is considered an elevated deck (an accessory structure) but would be considered part of the principal building should the Petitioners later wish to enclose the carport – subject to different setbacks. She expressed that she believes a tandem garage a better plan, noted that small things in a plan can change the definition of a structure, and related that the Plan Examiner saw no problems with the concept submitted. Chairperson Constantino asked for confirmation that being considered is a concept, rather than an actual plan. Ms. Fard confirmed this. A car-port structure was identified at 386 Linden.

Petitioner's Presentation

Sworn in, Paul Zumbrook, 240 Glenwood Ave., Glen Ellyn, who said he grew up on the block to which he just moved, cited small lots, garages and houses in the neighborhood. Relating that the roof of his garage is less than 75 in. tall, he said the “ask” is covered parking for more than one car. Calling his property is an “oddball-shaped lot,” he cited as a hardship the inability to get two cars covered (particularly two “tall-profile” vehicles). He claimed that the proposed would serve the dual purpose of providing a carport and a deck, which he suggested would enhance the utility and the value of the property. He related that on his way back from the gym he saw a carport that was also a deck, and said that he thinks he found a new architect to draw formal plans.

While acknowledging that the subject property is a “really weird lot,” Board Member Miller opined that it’s difficult to think of the situation as a hardship when the Petitioner bought the house with the garage as it is. Mr. Miller further said he needs to see more information (i.e., “real plans” instead of a “marker drawing”) to make a determination that is fair to the neighbors, given that carports are unusual. Mr. Zumbrook insisted that the prior architect’s rendering “pretty well represents” the Petitioners’ desire for a solution, which he suggested could be called an elevated deck that is subject to Code. Member Miller agreed that the Petitioner “can’t do a whole lot” with the lot coverage constraints, while Member Crudele commented that the term “carport” is one of semantics with a negative connotation, but said that without a set plan she struggles with regard to materials. Mr. Zumbrook reiterated that the concept was submitted as an “elevated deck,” and stated that the Petitioners (who don’t want to spend money to build a garage) are “hugely sensitive” to aesthetics. Sr. Planner Fard advised that the ZBA could add as a condition that materials match existing. Member Jones asked, “What is it that you’re really trying to accomplish?” Mr. Zumbrook responded that the original intent was to have covered parking, but determined that by spending a little extra the Petitioners could have also a deck, achieving dual purpose, optimizing utility. Indicating that he’d like to see plans before making a decision, Member Jones asked when the architect could draw some up. Mr. Zumbrook related that he said he’d send a proposal over tomorrow.

Board Member Whalls delivered proposed findings of fact. Board Member Jones moved to accept the findings; seconded by Member Crudele, the motion passed unanimously by roll call vote, with all present voting, “Yes.”

Deliberation

Board Member Miller said he wants to see what the proposed will look like, commenting that, neighbors “should have a right to judge what goes in their neighborhood, especially something unusual.” Member McKnight concurred, acknowledging the challenges posed by the lot shape but said she wants to see the actual plans, without which she’d probably vote, “No.” Member Crudele said she is “on the fence,” but is more likely to vote “Yes” if conditions were added governing materials and compliance with neighborhood aesthetics. She added that it’s difficult to envision the project without the plans. Saying that permitting in the 1950s created the condition, Member Whalls suggested that the Village bears culpability. Member Whalls pointing to precedent and noting the steep slope of the lot, as well as discerned no drainage, sunlight or view issues. He expressed favor for the proposed, seeing it as saving another ranch house. Member Jones said he doesn’t have a problem with giving the Petitioners the “benefit of a ranch,” but would like to see the plan, saying, “it’s a little bit ambiguous” to vote on what was presented. Chairperson Consentino discerned a divided board, noting inclinations to deny the request, and admitted that he’s “conflicted.” He said he could see the justification for variations requested – a small, odd-shaped lot, lack of rear yard to support construction, and layout/topography – and would be in favor of a variation, but that he’d be hard-pressed to suggest conditions for materials and size/scope of the project. He told the Petitioners that having a more formal, detailed plan could benefit their request, and proposed to “continue generally” the case to a later meeting when such could be presented. The Petitioner was amenable. Member Crudele moved to close the Public Hearing for the evening. Seconded by Member Jones, the motion carried following a roll call vote, with all members present voting, “Yes.”

Staff Report

Senior Planner Fard reported that a case involving a second- and third-story addition is expected for the next ZBA meeting, presumably in February. Due to concerns about a quorum, discussion of the date for this meeting ensued, with Ms. Fard saying she’d send an email to elicit availability in selecting a date.

Trustee’s Report

Trustee Liaison Gould related that in December the Board approved a second amendment to the McChesney project to change the TIF split from a 50/50 to a 90/10, due to inflation and construction complication stemming from a double retaining wall. She also reported that the owners of the former McMaes’ building presented their envisioned façade change to the Board, which declined to approve it, instead sending the case back to the Architectural Appearance Commission to evaluate using the Department of Interior’s guidelines for historic building rehabs.

Adjournment

Chairperson Constantino adjourned the meeting at 8:38 p.m., following a voice vote on a motion by Member McKnight and which was seconded by Member Crudele.

Respectfully submitted,

Barbara Dutton-Thomas
Recording Secretary