

MINUTES
Glen Ellyn Zoning Board of Appeals Meeting
Tuesday, May 14, 2024 at 7:00 PM
Glen Ellyn Civic Center
Galligan Board Room
535 Duane Street

A. Call to Order and Roll Call

Chairperson Constantino called the meeting to order at 7:00 PM and explained the advisory nature of the Zoning Board of Appeals (ZBA) and its process for deliberation and recommendation. He described the Public Hearing protocols and announced that the meeting was being recorded.

Roll was called.

Present: Chairperson Gregory Constantino, Members Matthew Jones, Christiane McKnight and Craig Pavlich.

Absent: Members Katie Crudele, Reed Panther and Thomas Whalls.

Also in attendance: Daniel Harper, Planning Manager; Anne Gould, Village Trustee and Julie Settles, Recording Secretary.

B. Public Comment (non-agenda items)

None

C. Approval of Minutes

Member McKnight made a motion to approve the draft minutes of the February 13, 2024 ZBA meeting; seconded by Member Jones, the motion passed by voice vote.

D. New Business

1. Public Hearing – 582 Hillside Avenue

Member McKnight moved to open the Public Hearing. Member Pavlich seconded the motion and the motion passed by voice vote.

Staff Introduction

Sworn in, Daniel Harper, Planning Manager for the Village of Glen Ellyn, introduced the request: Zoning Variation requests to allow a two-story addition and attached garage with deck on a lot that is less than 50 feet in width and to allow side yard and impervious surface setback that is less than the required minimum for the property located at 582 Hillside Avenue.

Mr. Harper presented information as detailed in the Staff Report DOC ID: 2024-312, included in the agenda packet. Mr. Harpers presentation included: images of the home, including a current image as well as an image of the home prior to renovation; zoning (R2 Zoning District) and site topography. Mr. Harper presented images of the Site Plan that was included in the Petitioner's Application for Variation.

Mr. Harper shared the specific variation requests including:

1. Section 10-4-1(L)1 to allow for an enlargement and addition for a home located on a lot that is less than 50 feet in width
2. Section 10-4-8(D)8(a) to allow for an enlargement and addition on lot with an interior lot width of 48.80 feet in lieu of the required 66-foot minimum lot width.
3. Section 10-4-8(D)3 to allow an interior side yard setback of six feet and four inches (6'4") for the new addition in lieu of the minimum required six and one-half feet (6'-6").
4. Section 10-5-5C Impervious surface setback to reduce a setback for an existing driveway from 1' to 0'.

Mr. Harper also gave the following variation history of the property. He stated that the property was granted a variation from the minimum lot width requirement to allow for a one-story addition to the rear of the home in May of 1996 per Ordinance 4383. He stated that the current application is to allow for a two-story addition over the one-story addition that was approved by variation in 1996 as well as 240 square feet of additional two-story living space and an attached two-car garage with deck.

Member Jones asked to confirm that regarding the lot width, there was only a 2" shortage to which Mr. Harper state the lot is 48.80' and not 50'. Member Pavlich asked to confirm that the plat was dated 1906 and the addition was done in 1996 to which Mr. Harper confirmed was correct. Chairperson Constantino asked if there were other lots in the area subject to the variation to which Mr. Harper answered there were five or six lots that were not in this particular area that were approved for a variance. Chairperson Constantino asked if there were any drainage issues to which Mr. Harper replied that the Petitioner would have to provide a storm water assessment with the building permit application.

Architect Testimony

Sworn in, Mabel Nazario of Design First Builders, 1201 Norwood Ave. Itasca, IL. Ms. Nazario thanked Mr. Harper for the presentation and stated the Petitioner is applying for a variance to accommodate their growing family. The addition would be a master suite and they would have to demo the one-car garage due to the addition and would like to build a two-car garage.

Chairperson Constantino asked Ms. Nazario if she was aware of the variation history on the property to which she responded that their building permit was initially denied and she was made aware after the denial of the previous variance. Member Pavlich asked if staff was amendable and if she prepared the site plan to which she responded yes to both. Member Pavlich thanked Ms. Nazario and stated that the site plan was very clear.

Petitioner Testimony

Sworn in, Sean Driscoll, resident of 582 Hillside Ave. Glen Ellyn, IL who addressed the Board Members. Mr. Driscoll stated that he and his wife wanted an attached garage because they have three children and want to keep as much green space as possible. He stated that they love their home and want to keep the design consistent with the neighborhood.

Chairperson Constantino stated that the Board Members had seven copies of letters from neighbors all in favor of the variance application.

Member Pavlich read the findings of fact:

1. Due to the characteristics of the property in question, there are practical difficulties or particular hardship for the applicant/owner in carrying out the strict letter of the Zoning Code, because the subject property is 48.80 feet in width, which does not meet the R2 District's lot width requirements and would prevent the applicant from constructing enlargements and additions on the lot and the existing home and existing driveway do not meet setback requirements in the R2 Residential District.
2. The property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the Zoning Code because the home cannot be enlarged or have added additions as the lot does not meet the minimum lot width required in the R2 Residential District.
3. The plight of the applicant/owner is due to unique circumstances relating to the property in question because the subject lot was platted in 1906 with a lot width of 48.80 feet and is a nonconforming lot width that limits any improvements on the lot without requiring a variation.
4. The requested variation, if granted, will not alter the essential character of the locality of the property in question because the proposed addition is intended to match the architectural character of the existing home and neighborhood, comply with all other Zoning standards and have a minimal impact on the adjacent properties.
5. The particular physical surroundings, shape or topographical condition of the property in question would bring particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the Zoning Code were to be carried out because the property is platted with a nonconforming lot width which restrict any potential improvements on the lot without requiring a Zoning variation.
6. The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district because the property was originally platted with a nonconforming lot width which restrict any potential improvements on the lot without requiring a Zoning variation.
7. The purpose of the variation is not based exclusively upon a desire to make more money out of the property in question because the proposal calls for an expansion and addition to the current home to provide more living space for the occupants.
8. The alleged difficulty or particular hardship has not been created by any person presently having an interest in the property in question or by the applicant because the hardship is due to the property being originally platted with a nonconforming lot width which restrict and potential improvements on the lot without requiring a Zoning variation.
9. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property in question is located and will not impair an adequate supply of light and air to adjacent property because the proposed addition and expansion will maintain sufficient buffer from the neighboring properties.

10. The proposed variation will not subsequently increase the hazard from fire or other dangers to the property in question or adjacent property because the proposed expansion and addition will meet all applicable Building and Fire Codes.

11. The proposed variation will not otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village; diminish or impair property values within the neighborhood; or unduly increase traffic congestion in the public streets and highways because the proposed addition is for the residential use of the current property owners.

12. The proposed variation will not create a nuisance or result in an increase in public expenditures because the proposed expansion and addition is for the residential use of the current property owners and is not anticipated to negatively impact neighbors.

13. The variation is the minimum variation that will make possible the reasonable use of the land, building or structure because the proposed expansion will be large enough to accommodate owners' needs and that the proposed encroachment will be built in line with the existing structure and with the minimum amount of variances possible.

Chairperson Constantino asked if there were any other comments. He stated if not, can a Board Member make a motion. **Member Jones made a motion to adopt the “(Draft) Findings of Fact to Support a motion to recommend approval of zoning variations to allow the construction of a two-story addition and attached garage with deck on a lot that is less than 50’ in width and to allow a side setback and impervious surface setback that is less than the required minimum in the R2 district for the property located at 582 Hillside Avenue, Glen Ellyn, IL. Member McKnight seconded the motion. The motion passed unanimously on a roll call vote with four Members present voting “Yes”, Constantino, Jones, McKnight and Pavlich.**

Board Members deliberated. Member McKnight stated she's in favor because it is meeting the needs of the family and she read the seven letters of support from the neighbors. Member Pavlich stated he was in favor and that the modifications are in line with the other homes in the area. Member Jones stated he was in favor stating it was an asset that the Petitioner is keeping the character of the home. Chairperson Constantino stated he was in favor and that the topography of the lot is restricted and there appears to be no drainage issues and the side yard variation is acceptable to keep the home and addition in line.

Member McKnight made a motion to close the Public Hearing for 582 Hillside Avenue. Member Pavlich seconded the motion and the motion passed by voice vote.

Board Recommendation

Member Jones moved for the following:

Having considered the application of Sean and Courtney Driscoll, owners of the property at 582 Hillside Avenue, Glen Ellyn, for zoning variations from Section 10-4-1(L)1 to allow for an enlargement and addition for a home located on a lot that is less than 50 feet in width. Section 10-4-8(D)8(a) to allow for an enlargement and addition on lot with an interior lot width of 48.80 feet in lieu of the required 66-foot minimum lot width.

Section 10-4-8(D)3 to allow an interior side yard setback of six feet and four inches (6'4") for the new addition in lieu of the minimum required six and one-half feet (6'-6").
Section 10-5-5C impervious surface setback to reduce a setback for an existing driveway from 1' to 0'. The Zoning Board of Appeals hereby adopts the finding of fact in the Petitioner's application packet and presented by the Petitioners at the Zoning Board of Appeals public hearing conducted May 14, 2024, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL.

Member Pavlich seconded the motion. The motion passed unanimously on a roll call vote with four Members present voting "Yes": Constantino, Jones, McKnight and Pavlich.

E. Other Business

None.

F. Village Board Trustee Report

Trustee Anne Gould stated the Village Board passed a sidewalk ordinance to not allow obstruction. She also stated Village staff is working very hard on finalizing the new Metra Station plans. She also stated that the Board is in discussions on how to generate revenue if the 1% grocery tax is taken away. She also stated that the Board has talked about raising Fire Service fees due to the Board expanding EMS services. They are also talking about moving the resident fee from the water bills to the property tax bill.

G. Chairperson's Statement

None.

H. Staff Report

Mr. Harper stated there will be three cases being presented at the June 11th ZBA meeting

I. Adjournment

Member Jones made a motion to adjourn the meeting. Member McKnight seconded the motion and the motion passed by voice vote at 7:57 PM.

Respectfully submitted,

Julie Settles