

MINUTES
Glen Ellyn Zoning Board of Appeals Meeting
Tuesday, August 13, 2024 at 7:00 PM
Glen Ellyn Civic Center
Galligan Board Room
535 Duane Street

A. Call to Order and Roll Call

Chairperson Craig Constantino called the meeting to order at 7:01 p.m. and explained the Zoning Board of Appeals' function and operating procedure as an advisory body. He described the public hearing protocol including for public comment and announced that comments would be recorded.

Roll was called.

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

Absent: Members Katie Crudele and Thomas Whalls

Also in attendance: Daniel Harper, Planning Manager and Anne Gould, Village Trustee

B. Public Comment (non-agenda items)

None.

C. Approval of Minutes

Member McKnight made a motion to approve the draft minutes of the June 11, 2024 ZBA meeting; seconded by Member Jones, the motion passed by voice vote.

D. New Business

1. Public Hearing – 263 Glenwood Avenue

Member Jones moved to open the Public Hearing. Member McKnight 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 zoning variation request from Section 10-4-8(D)2 to allow for a reduced rear yard setback from 40-feet to 26 feet, 6-inches to accommodate a proposed 945 square addition to the rear of the home located at 263 Glenwood Avenue.

Mr. Harper presented information as detailed in the Staff Report DOC ID: 2024-527, included in the agenda packet. Mr. Harpers presentation included: aerial images of the property and zoning ,R2 Zoning District, map images. Mr. Harper presented images of the Site Plan and Floor Plan that was included in the Petitioner's Application for Variation.

Mr. Harper also presented information stating that the purpose of the proposed addition is to create a semi-independent living space for the homeowner's child who will be living in the home on a permanent basis. The proposed addition includes a new bedroom, full bathroom, a living area, and a kitchenette. Mr. Harper stated that the applicant is petitioning for a variation because the unique shape of the corner lot with the narrow width and the existing site design of the originally building home on the site limits any further improvements to the property. Mr. Harper reported that the applicant also stated that the extension of the single-story floor area of the residence is required to accommodate the needs of their adult daughter and that the proposed location is the best design to meet their needs.

Member Questions of Staff

Member Pavlich asked Mr. Harper if the house could be modified at all considering that the existing home was in an existing non-conforming condition. Mr. Harper responded that the house could be modified within the allowable setback and bulking requirements of the zoning code so long as the existing non-conformities were not expanded or modified.

Member Jones asked Mr. Harper what the front yard setback for the property is. Mr. Harper responded that the front yard setback is thirty-feet (30'-00") in the R2 Residential Zoning district and the setback line is measured generally parallel from the front lot line. Member Jones asked that even if the existing home was located on the front setback line, the applicant would still be unable to achieve the rear yard setback that they are proposing. Mr. Harper affirmed this observation.

Chairperson Constantino asked that the permitted lot coverage for a single-story single-family structure is thirty-five percent (35%). Mr. Harper responded that that was correct, and the proposed lot coverage was thirty-one percent (31%). Chairperson Constantino observed that it would be difficult to add on to the existing building in a single-story format without violating the rear setback requirement. Mr. Harper explained that the applicants had originally submitted other types of proposed expansions, including converting the existing attached garage into a living unit but that Village staff had concerns regarding setbacks, lot coverage, parking requirements and the potential of the garage to be converted to an accessory dwelling unit in the future.

Chairperson Constantino asked Mr. Harper if the request could be considered the smallest deviation from the zoning code. Mr. Harper responded that he would not consider this the smallest deviation as there is available building area that would not violate the rear yard setback. However, in their application, the applicants responded that the limited space available would not be sufficient for their intended goals with the expansion.

Member Pavlich asked Mr. Harper to explain the existing non-conformalities of the subject lot. Mr. Harper responded that the property is seventy-one feet and eleven inches (71'-11") in width and a corner lot is required to be eighty feet (80'-00") in width in the R2 Zoning District. Member Pavlich asked if this would reduce the overall buildable area of the lot. Mr. Harper confirmed this observation.

Chairperson Constantino asked Mr. Harper to confirm that the requested expansion would be less than the existing rear yard setback encroachment created by the existing attached garage. Mr. Harper confirmed

this observation. Chairman Constantino asked Mr. Harper if the proposed expansion was anticipated to create any stormwater management issues. Mr. Harper responded that no stormwater management issues were identified during the review but that the applicant would be required to submit for an engineering review as part of the building permit and that stormwater mitigation plans could be required based on the findings.

Member Jones asked Mr. Harper if the setbacks of the R2 zoning district limit the potential buildable area of the property beyond what is allowed in the zoning code considering that the lot is smaller than the minimum lot size for a corner lot in the R2 zoning district. Mr. Harper responded that he did not perform this calculation and would not be able to answer his question at this time. Member Jones and Member Pavlich stated that they did not think it would be possible to utilize the maximum allowed lot coverage if the property were to be developed with the required minimum setbacks.

Public comment

The following individuals, sworn in, made respective comments:

The petitioners and owners of the property, Dan and Joleen Frick, 569 Fairview Avenue, stated that the proposed addition is being designed to accommodate the needs of their disabled daughter as she will be living in the home with them into the future while providing for the independence she would need as an adult.

Chairperson Constantino asked the applicants what unique physical features of the property would constitute a hardship necessitating the variation request.

The applicant's architect, Eric J. Luedtke, 4 W. Adams Street, Village Park IL was sworn in: Mr. Luedtke testified that the property does not have the required space allowed to allow for the development of the home to meet the needs of the residents.

Chairperson Constantino responded that it appears that the lot is a non-conforming corner lot that does not have an adequate building area to meet the needs of the petitioner due to the rear setback requirements and that the petitioner could not construct a second story due to the needs of the homeowner and that a second story addition would create an additional lot coverage non-conformity necessitating a different variance request.

Mr. Luedtke responded that the current condition of the home does not allow for the desired home design and that he would be unable to meet the requirements of the code and meet the needs of the applicant.

Member Jones stated that if the lot were more rectangular then the property would have more developable area.

Mr. Luedtke responded in the affirmative and that the existing design of the home limited their potential additional footprint.

Chairperson Constantino asked if any neighbors had been contacted regarding the request. Mr. Luedtke responded that he was unaware of any outreach outside of the public notices issued by the village. Mrs. Frick responded that she had spoken with almost all the neighbors on the block and that they expressed no concerns. Mr. Harper added that Village Staff had received no correspondence regarding the request.

Member Pavlich asked the homeowner if the rear yard hedge was to remain. Mr. Frick responded yes.

Chairperson Constantino asked if any members of the public would like to make a comment.

Heidi Anderson, 501 Tuner Avenue, was sworn in and made the respective comments: Ms. Anderson stated that she was in support of the application. Ms. Anderson stated that the block of Turner, Glenwood, Main and Arbor has very small and unique sized lots and might be the smallest lots in the village. Ms. Anderson stated that the neighborhood should be allowed some reasonable exceptions, and that the variation request is a reasonable request. Ms. Anderson stated that the location of the remodel is reasonable and would not adversely impact the character of the neighborhood and it conforms to the lot coverage requirements. Ms. Anderson stated that the Village should be reasonable and mindful to encourage people to work with what they have and to not encourage demolishing and rebuilds.

Chairperson Constantino asked if any other members of the public would like to make a statement and found no other members of the public wanting to make a statement.

Member Pavlich wanted to add to the findings of fact that the neighboring lot to the north, 273 Glenwood Avenue, has a non-conforming setback for the garage.

Chairperson Constantino encouraged Member Pavlich to proceed with a reading of the Findings of Fact.

Member Pavlich stated that the Lot was recorded in 1910 and that the home was built in 1951 which predates the existing zoning code. The proposed total area of 3,449 square feet and is 31% of the lot. The house already is in non-conformance with the rear yard setback and the request would not further encroach into the setback. That the buildable lot area is less than what would be allowed for a conforming corner lot in the R2 Zoning District. That the street and block design of the area creates lots of nonconforming size and unique shapes.

Chairperson Constantino added that the addition of a second story was not an option for the petitioner as a second story addition would violate the lot coverage requirements, that the lot is of an unusual size and that the existing footprint of the house would limit the options for possible additions without a variation.

Member McKnight made a motion to accept findings of fact. Seconded Member Jones. The motion passed by voice vote.

Commissioner Discussion

Member McKnight stated that she was in favor of the request. Member McKnight stated that the unique shape of the non-conforming lot and the existing design of the residence greatly limits their ability to expand. She also stated that one (1) neighbor testified in support of the applicant and that no objections by impacted neighbors were received should be considered.

Member Jones stated that if the lot was rectangular the allowable setback would be around ten feet more and they would be requesting a variation of 3 feet. Member Jones stated that the request is minimal considering they are meeting the lot coverage ratio.

Member Pavlich stated that he was in favor of the variance request. Member Pavlich stated that the lot and home being created before the current zoning code was adopted created the non-conforming conditions. The odd shape of the lot and the non-conforming lot dimensions as well as the unique shape of the existing home all contribute to the hardship of the property owner. Member Pavlich also stated that the proposed addition would not be visible from the street or neighbors and the neighbors would not be adversely affected.

Chairperson Constantino stated that he was also in favor of granting the request. He stated that the applicants are not increasing the current setback nonconformity and that the unique lot shape and size as well as the unique shape of the existing house creates difficulties in allowing for the expansion of the home. He stated that the applicant would not be able to construct a second story without other variations and would not serve the needs of the owner.

A motion was made by Member McKnight to close the Public Hearing; seconded by Member Pavlich, the motion passed by voice vote.

A motion was made by Member Jones to recommend approval of the application as presented based on the practical difficulties of the property identified in the findings of fact ; seconded by Member McKnight, the motion passed 4-0 on a roll call vote with Commission members Jones, McKnight, Pavlich and Chairperson Constantino voting, “Yes.”

E. Other Business

None.

F. Chairperson’s Statement

Chairperson Constantino asked Mr. Harper to provide his report.

G. Staff Report

Planning Manager Harper said that the three zoning variations that were given recommendations of approval at the June 11, 2024 regular ZBA meeting were approved by the Village Board of Trustees at the July 22, 2024 Regular Board of Trustees Meeting. Mr. Harper stated that two new potential applicants are predicted for future ZBA agendas. Mr. Harper also gave brief descriptions of items on the agendas of upcoming Plan Commission, Historical Preservation Commission and Architectural Appearance Commission meetings.

H. Trustee Liaison Report

Trustee Gould stated that the variations from the June 11, 2024 ZBA meeting were approved by a vote of 4-2 because some members of the Board of Trustees did not see a hardship when reviewing the applications. Trustee Gould updated the members of the ZBA of the Downtown Crescent Boulevard redesign project and the Crescent Glenwood Parking lot redesign project. Trustee Gould also provided an update that the Board of Trustees has started its Budget kickoff in a future workshop. Trustee Gould and Mr. Harper also provided an update that a ZBA training workshop is being planned for the future with the new village attorney, Paul Stephanides.

Member Pavlich asked Mr. Harper questions regarding the process for submitted an application related appeals of determinations made by an administrative official charged with the enforcement of the zoning code. Mr. Harper stated that appeals are provided for in the Village Code, but he was unaware of a formal process in place by the village. The ZBA and Mr. Harper discussed possible routes for Member Pavlich's question. Mr. Harper requested that Member Pavlich communicate with him through an email regarding how to proceed forward with his concerns.

I. Adjournment

Chairperson Constantino adjourned the meeting at 8:26 p.m., following passage by voice vote of a motion by Commissioner McKnight and seconded by Member Jones.