

MINUTES
Glen Ellyn Zoning Board of Appeals Meeting
Tuesday, September 10, 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 7:04 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, Peter Kelly and Craig Pavlich

Absent: Member Katie Crudele and Christiane McKnight

Also in attendance: Jennifer Henaghan, Community Development Director; 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 Jones made a motion to approve the draft minutes of the August 13, 2024 ZBA meeting; seconded by Member Pavlich, the motion passed by voice vote.

D. New Business

1. Public Hearing – 491 Ridgewood Avenue

Member Pavlich moved to open the Public Hearing. Member Kelly 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 from the Glen Ellyn Zoning Code as follows:

1. Section 10-4-1(L) to allow the construction of an addition to the home on a property less than 50 feet in width and less than 6,534 square feet in area in the R2 Residential District.

2. Section 10-8-6(B)(3) to allow the construction of an addition to the home on a property less than 50 feet in width and less than 6,534 square feet in area in the R2 Residential District.
3. Section 10-4-8(D)(3) to allow for a three foot and four inch (3'-4") interior side yard setback in lieu of the required six and one-half foot (6'-6") interior side yard setback.

Mr. Harper also gave the following variation history of the property. He stated that the Village Board approved zoning variations from Section 10-4-1(L), Section 10-8-6(B)(3) and Section 10-5-4(A)(2)(a) in December of 2020 to allow for the construction of a 600 square foot detached two-car garage on a property less than 50 feet in width and less than 6,534 square feet in area where a new detached garage would not be permitted and where the maximum permitted area for accessory structures in the required rear yard was 456 square feet.

Mr. Harper stated that the petitioners are requesting three (3) zoning variations cited above to allow for the construction of an approximately six-hundred and seventy-four (674) square-foot two-story addition to the rear of the existing single-family home located at 491 Ridgewood Avenue. The petitioners are proposing to remove an approximately two-hundred square foot mudroom, bathroom and deck located in the rear Page 10 of 37 of the structure and construct the addition in the rear of the structure once occupied by these areas. The proposed eastern interior side yard setback for the addition is three feet and four inches (3'-4") and would be consistent with the interior side yard setback of the existing home. The existing lot coverage, approximately 974 square feet, will increase to approximately 1,132 square feet, or 19.86 percent due to the 'bonus' 500 square feet for detached garages and 'bonus' 53 square feet for the existing front porch area that has a minimum depth of six feet and is open on at least two sides that do not count toward this total.

Mr. Harper stated the following approved neighboring variation requests:

487 Ridgewood Avenue – (1994) Variations from Minimum Lot Area, Lot Width, Side (3.5ft) and Corner Side Yard Setbacks to allow for the construction of an addition.

495 Ridgewood Avenue – (2011) Variations to allow for a 2.97' interior side yard setback in lieu of the required six and one-half foot (6'-6") interior side yard setback for a front porch addition.

499 Ridgewood Avenue – (1998) Variation from the minimum lot width and lot area to allow for the construction of an addition.

Mr. Harper stated that he received petitions from neighbors in favor of the variances and also received one email in favor. He stated that the ZBA should consider the testimony presented during the public hearing and review the written evidence presented as part of the petitioner's application packet. The ZBA should make findings of fact and determine if practical difficulty or a particular hardship exists and if the essential character of the neighborhood is maintained.

The ZBA may choose to make a recommendation to the Village Board for the approval, approval with conditions or denial of the variation to allow the construction of the proposed addition in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code.

Member Jones asked that if the house was burned down and the petitioner came for a permit would they still need a variance due to the 38' lot width. Mr. Harper answered yes. Member Jones asked what the minimum width of the driveway be. Mr. Harper answered the width of the driveway is 9'.

Chairperson Constantino asked about the drainage. Mr. Harper answered when the petitioner did the two-car garage, they had to install a dry well.

Member Jones asked if the proposal won't exceed the 20% coverage max. Mr. Harper answered yes.

Petitioner Testimony

Sworn in, Cecil Barbato, resident of 491 Ridgewood Avenue. Glen Ellyn, IL who addressed the Board Members. Mr. Driscoll stated that he and his wife love the neighborhood and enjoy their American Foursquare home. In 2020 they came before the Commission for the garage. He stated this is their forever home and already made significant investments in the development and would like to continue to enjoy the results of those efforts. He stated the lot is 38 X 150 and in 1974 the Village changed the lot width to 66' which made the conforming lot became a legal non-conforming lot which became standard. He stated in 1989 there were further restrictions to define the size of buildable lots. This was done to combat giant, new construction homes on interior lots. He stated this unfairly penalized historic homes that add charm to the Village. In 2016 the Village walked back some restrictions that allowed for a detached garage and allowed for a class 1 addition. He stated it is an extremely narrow lot and the side-yard setback when applied to the letter of the law account for 34.2% of the lot width greatly reducing buildable area. The lot width further impacted vehicle access requirements due to the existence of a detached garage with the buildable width accommodating a 9' wide driveway. He stated they are not asking for a LCR increase because of the lot, they are asking to build a comfortable addition within the spirit of the Code. He stated in 1909 the average male height was 171cm and weight was 140lbs. Today the average male height is 177cm and weight is 199.8lbs. Due to this increase they are asking that this Commission allow for a 27.4% increase in the size of the home. He stated the Code is 13' allowed between structures and the distance for them is 15.25'. In 2021 they provided 125CF for storm water retention which was more than the required 69.37CF. He stated that 499, 487 and 495 Ridgewood were all granted side-yard setback relief in the past.

Member Jones stated that Village looks to keep affordable housing for first time home buyers in Glen Ellyn. He asked how much money the proposal is costing. He also asked if the petitioner was doing this to make money or will they stay in the neighborhood. Mr. Barbato answered the preliminary addition cost was \$300,000-400,000 and that they intend to stay in the home forever.

Sworn in, Tom Leonard, resident of 487 Ridgewood Avenue. He stated that he and his wife live adjacent to the Barbatos. He stated that over the past thirty-four years he's had the pleasure of witnessing the block evolve. He stated he is here to speak on behalf of his neighbors. He stated they are great neighbors and friends and they are committed to keeping Glen Ellyn the great home town that it is. The proposed variance will not only enhance their living space, but also contribute positively to the aesthetic of the entire block. The project will allow this young family to say for

the long term, preserving the stability of our community. He stated he urges the Board to approve this variance as it aligns with the values of maintain a strong cohesive and vibrant community.

Member Jones made a motion to adopt the “(Draft) Findings of Fact to Support a motion to recommend approval of zoning variation to allow the construction of an addition on property less than 50’ in width and for the addition to have an interior sideyard setback of 3’4” in the R2 district for the property located at 491 Ridgewood Avenue, Glen Ellyn, IL. Member Kelly seconded the motion. The motion passed unanimously on a roll call vote with four Members present voting “Yes”.

Member Jones stated he is in favor of the variance. He stated he lives at 463 Ridgewood and he knows his neighbors are also in favor. He stated if you look at 486 Phillips they are less than 3’ from the side yard setback and it doesn’t faze any of us. He stated Glen Ellyn does want affordable housing but in this area it is not possible.

Member Pavlich stated he is absolutely in favor of the proposal. He stated the petitioners are making sure the home stays consistent with the neighborhood.

Member Kelly stated the petitioner did a great job keeping the characteristics of the neighborhood and he’s inclined to say yes.

Chairperson Constantino stated he is in favor. He stated that present codes make these lots almost unbuildable so there is a definite hardship here. He stated there is no adverse effect on fire requirements, site lines are to remain the same and they are not doing it to make a profit so he’s in favor of granting.

Member Kelly made a motion to close the Public Hearing for 491 Ridgewood Avenue. Member Jones seconded the motion and the motion passed by voice vote.

Board Recommendation

Member Jones moved for the following:

Having considered the application of Cecil and Agatha Barbato, owners of the property located at 491 Ridgewood Avenue, Glen Ellyn, for a zoning variation from Section 10-4-8(D)2 to allow for zoning variations from

- 1. Section 10-4-1(L) to allow the construction of an addition to the home on a property less than 50 feet in width and less than 6,534 square feet in area in the R2 Residential District.**
- 2. Section 10-8-6(B)(3) to allow the construction of an addition to the home on a property less than 50 feet in width and less than 6,534 square feet in area in the R2 Residential District.**
- 3. Section 10-4-8(D)(3) to allow for a three foot and four inch (3’-4”) interior side yard setback in lieu of the required six and one-half foot (6’-6”) interior side yard setback.**

4. Any other zoning relief necessary to construct the project as depicted on the plans presented or revised at the public hearing or at a public meeting of the Village Board.

the Zoning Board of Appeals hereby adopts the findings of fact in the petitioners' application packet and presented by the petitioners at the Zoning Board of Appeals public hearing conducted on September 10, 2024, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL.

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

E. Other Business

None.

F. Chairperson's Statement

None.

G. Village Board Trustee Report

Trustee Anne Gould stated the Village Board had a workshop about improvements on the Main Street garage. They also approved an art project for Pan Fish Park. The Village closed on the east side hotel parcel and the new owner has 180 days to demolish the building. She stated the Board did not vote in favor on the zoning text amendment where hens would be allowed. Member Jones asked if any Board members were in favor. Trustee Gould answered that two members were in favor. Member Jones asked if anyone can legally challenge the vote. Trustee Gould stated she didn't know.

H. Staff Report

Mr. Harper stated there will be two cases being presented at the October ZBA meeting. He stated tomorrow the AAC has two items to discuss. One being a walk up ATM and the other at 580 Duane St. The Plan Commission will have a proposed expansion of parking area at Glenbard West, a resurface to a parking lot with reduction of parking spaces and Marinella's where a pergola was built without a permit.

I. Adjournment

Member Jones made a motion to adjourn the meeting. Member Kelly seconded the motion and the motion passed by voice vote at 8:08 PM.

Respectfully submitted,

Julie Settles