

ZONING BOARD OF APPEALS
MINUTES
FEBRUARY 27, 2018

The meeting was called to order by Chairperson Rick Garrity at 7:00 p.m. ZBA Members Matthew Jones, John Micheli, Chip Miller and Thomas Whalls were present. ZBA Members Gregory Constantino, Reed Panther and student member Madeleine Greenleaf were excused. Also present were Trustee Liaison Mark Senak, Associate Planner Kelly Purvis and Recording Secretary Barbara Utterback.

Chairperson Garrity explained the procedures of the Zoning Board of Appeals.

ZBA Member Micheli moved to approve the minutes of the January 9, 2018. ZBA Member Chip Miller stated that Adam Miller was not present at that meeting as per those minutes. ZBA Member Micheli amended the minutes and ZBA Member Chip Miller seconded the motion which carried unanimously by voice vote.

On the agenda was a public hearing for the property at 180 N. Park Boulevard.

PUBLIC HEARING – 180 N. PARK BOULEVARD

TIM AND AMY MURPHY, OWNERS OF THE PROPERTY LOCATED AT 180 N. PARK BOULEVARD, ARE REQUESTING APPROVAL OF A VARIATION FROM SECTION 10-4-8(D)4 OF THE GLEN ELLYN ZONING CODE TO ALLOW THE CONSTRUCTION OF A TWO-STORY ADDITION THAT WILL ENCROACH INTO THE NON-CONFORMING CORNER SIDE YARD RESULTING IN A SETBACK OF 12.5 FEET IN LIEU OF THE REQUIRED 18-FOOT CORNER SIDE YARD SETBACK AND ANY OTHER ZONING RELIEF NECESSARY TO CONSTRUCT THE PROJECT AS DEPICTED ON THE PLANS PRESENTED OR REVIEWED AT THE PUBLIC HEARING OR AT A PUBLIC MEETING OF THE VILLAGE BOARD.

(Tim and Amy Murphy, owners)

Staff Presentation

Village of Glen Ellyn Associate Planner Kelly Purvis stated that the petitioners are Tim and Amy Murphy, owners of the property at 180 N. Park Boulevard, who were present with their architect, Rick Rearick. Ms. Purvis stated that the petitioners are requesting a variation from Section 10-4-8(D)4 of the Glen Ellyn Zoning Code to allow the construction of a two-story addition that will encroach into the non-conforming corner side yard resulting in a setback of 12.5 feet in lieu of the required 18-foot corner side yard setback and any other zoning relief necessary to construct the project as depicted on the plans presented or reviewed at the public hearing or at a public meeting of the Village Board.

Ms. Purvis stated that the subject property is a corner lot in the R2 zoning district on the southwest corner of Park Boulevard and Revere Road. She stated that the zoning and land use

immediately surrounding the subject property is also R2. She stated that the public hearing notice was published in the February 2, 2018 edition of the Daily Herald and mailed to property owners within 250 feet of the subject property. She added that a placard was also placed on the property. Ms. Purvis stated that Village records indicate that no variations have been granted for this property although a number of building permits have been issued throughout the years. She stated that per Village records, a demolition occurred with a new single-family home constructed in 1973. She added that the property has a non-conforming side yard of approximately 13.09 feet in lieu of the minimum required corner side yard setback of 18 feet. Ms. Purvis added that corner lots are now required to be a minimum of 80 feet wide and the subject lot was platted at 60 feet wide.

Ms. Purvis stated that the petitioners would like to construct a 2-story addition onto the rear of their home (the west elevation) that would allow the expansion of their kitchen and the construction of a master bedroom on the second floor. Ms. Purvis displayed the existing floor plan and the proposed floor plan and added that the petitioners would like to remodel their home to meet the needs of their family. She stated that in order to make the addition code compliant, it would need to be set back from the north façade of the house approximately 5 feet and a lot of the functionality would be lost. Ms. Purvis stated that the kitchen on the first floor is currently nonconforming so in order to expand the kitchen, it would need to encroach into the corner side yard setback as is being proposed. Ms. Purvis stated that the total addition would be approximately 725 square feet for both the first and second floors and approximately 160 square feet would encroach into the corner side yard setback.

Ms. Purvis stated that the subject house is parallel to the front of the street but the lot is not a perfect rectangle so even though the addition will be in line with the original structure, it will encroach approximately 7 inches further into the nonconforming corner side yard setback. She added that the addition and alteration are both Class I which is permitted for both alterations and additions to nonconforming structures. She also stated that as part of the project, the concrete patio and covered rear porch will be demolished.

Ms. Purvis stated that in order to construct the project as proposed, the petitioners will need to be granted a variation of 18 feet from the corner side yard setback. She stated that the requirement is 18 feet and the petitioners are proposing 12-1/2 feet.

Responses to Questions from the Zoning Board of Appeals

ZBA Member Whalls asked if the subject house was built in 1940 or 1973 as Milton Township records indicate 1940 as the year built. It was determined that 1940 was the year the home was built.

Petitioners' Presentation

Tim and Amy Murphy of 180 N. Park Boulevard, Glen Ellyn, IL and their architect, Rick Rearick, of 155 N. Park Blvd., Glen Ellyn, IL were present to speak on behalf of the subject variation request. Ms. Murphy stated she and her husband have 4 children and now need to add some space onto their home. She added that they love their house, the location of their house and their neighbors. She stated they would like to stay in their home but need to expand their living space. Ms. Murphy stated the most important change they would like to make would be to add a small amount of space onto their kitchen which now includes a mud room. Ms. Murphy stated that the only issue they have with the setback is that it will create a zig-zag in the kitchen and they would like extra space as their kitchen is small. She added that they now need more space as the children are older and help to prepare food. Mr. Murphy added that they do not want to disrupt the existing interior and have extra expense with re-working the house.

Mr. Rearick stated that when the petitioners approached him to expand their house, he informed them about setback issues. Mr. Rearick stated that they do not want to disrupt the first or second floors too much. He stated that it makes no sense to have a kitchen that is offset. He also stated another problem is that bearing walls prevent the stairs from being moved to a different location. Mr. Rearick stated that one of the petitioners' hardships is the setback on the north side where the primary functions are. He added that another hardship is that the subject house is in the middle of the lot and that front and side yard setbacks did not exist when the house was built. He also stated that the placement of a house on a corner lot is very crucial.

Responses to Additional Questions from the Zoning Board of Appeals

ZBA Member Micheli asked what the hardships or practical difficulties were regarding the proposed project. Mr. Murphy stated that the part where the kitchen ends is currently in the setback and they would like to extend the kitchen back, add a mud room and move the entrance to the house but would now have to come in so a zig-zag will be created. Mr. and Ms. Murphy agreed with ZBA Member Miller that it is difficult for them to build an addition because their lot is narrow and because of the corner yard setback and if they had to conform to the code to build an addition, the zig-zag pattern would be difficult to egress in an emergency.

Ms. Murphy responded to ZBA Member Jones that they will probably use aluminum siding for the addition. Mr. Rearick responded to ZBA Member Micheli that there is steel in the bearing wall and basement of the subject house.

Persons in Favor of or in Opposition to the Proposed Request

Trustee Liaison Mark Senak stated that Ms. Murphy's comments regarding the subject variation request and why Glen Ellyn is a great place to live were very eloquent. He stated that the Village should encourage homeowners such as the petitioners to restore their homes instead of tearing them down and rebuilding homes that don't fit the character of the Village. He stated that to lose a home such as the subject home because of a zoning issue would be to lose part of the character of Glen Ellyn. Trustee Liaison Senak felt "a darn good idea" should be a standard for granting a variation such as the subject request.

Findings of Fact

ZBA Member Micheli stated that Ms. Purvis reviewed the variation request which is for a current nonconforming side yard of approximately 13 feet in lieu of the minimum required 18 feet. She also stated that corner lots are now required to be 80 feet wide and the subject lot is 60 feet wide. He added that the proposed lot would result in a nonconforming side yard setback of 12-1/2 feet in lieu of 18 feet. ZBA Member Micheli stated that Tim and Amy Murphy are requesting a variation for a cost effective addition in order to support a growing family with long-term needs. They stated that the plans as submitted are required in order to construct on a narrow lot without cutting a zig-zag pattern into the building and falling out of character with the surrounding neighborhood. ZBA Member Micheli then stated that Architect Rick Rearick underscored the need to construct as submitted or to work around practical difficulties of the existing stairwell, bearing walls and unique circumstances related to the house placement on the lot. He added that since the house was originally constructed in the 1940's, numerous setback changes have occurred since then. ZBA Member Micheli added that Mark Senak spoke in support of the petition as well as this type of work which is in keeping with the character of the neighborhood.

ZBA Member Jones moved, seconded by ZBA Member Whalls, to accept the findings of fact. The motion carried unanimously by voice vote.

Comments from the Zoning Board of Appeals

All of the ZBA Members were in favor of the petitioners' variation request. ZBA Member Whalls stated that this property is covered under a grandfather clause and there has been a number of changes to the Zoning Code. He added that this property is a corner lot which is further restricted. ZBA Member Jones stated he originally thought that if the entire floor plan was on the first floor, the addition could be built backwards, however, that would create less privacy in the back yard. He stated he liked that the petitioners are keeping an older house. ZBA Members Micheli and Miller also were supportive of the variation request.

ZBA Member Micheli moved, seconded by ZBA Member Jones, to close the public hearing. The motion carried unanimously by voice vote.

Motion

ZBA Member Miller moved, seconded by ZBA Member Micheli, to recommend approval of the variation request for Tim and Amy Murphy, owners of the subject property at 180 N. Park Boulevard due to the practical difficulties that if they tried to build to code with the kitchen zig-zag pattern, it would make it difficult to egress the home in an emergency and that the subject house is on a narrow corner lot and is positioned like it is an interior lot which would cause difficulties with the corner side yard setback.

The motion carried unanimously with five (5) yes votes as follows: ZBA Members Miller, Micheli, Jones, Whalls and Chairman Garrity voted yes.

Trustee Report

Trustee Liaison Senak stated Hadley Junior High will have a new bus lane. He also stated that a façade improvement award was awarded to Sushi Ukai. Trustee Senak also stated that Common Good is a new business that will be located across from the train station. He also stated there was recently a workshop on parking with good discussion including renovation of the downtown streetscape. He also stated the Village Board recently voted to increase the home rule sales tax by a quarter of a percent. Trustee Liaison Senak also stated the Village would be well served to ban the sale, use or possession of AR 15 semi-automatic guns.

Chairperson Report

Chairperson Garrity welcomed students from Glenbard West to the ZBA meeting.

Staff Report

Associate Planner Kelly Purvis stated that there will be 3 variation requests at the next ZBA meeting.

ZBA Member Jones moved, seconded by ZBA Member Micheli, to adjourn the meeting at 8:02 p.m. The motion carried by voice vote.

Submitted by:
Barbara Utterback
Recording Secretary

Reviewed by:
Kelly Purvis
Associate Planner