

ZONING BOARD OF APPEALS
MINUTES
MARCH 13, 2018

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

Acting Chairperson John Micheli explained the procedures of the Zoning Board of Appeals.

ZBA Member Whalls moved, seconded by ZBA Member Jones, to approve the minutes of the February 27, 2018 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

Three items were on the agenda for the properties at 462 Stagecoach Run, 616 Euclid Avenue and 645 Forest Avenue.

PUBLIC HEARING - 462 STAGECOACH RUN

A REQUEST FOR APPROVAL OF A VARIATION FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-5-5(B)4: TABLE #11 - TO ALLOW THE REPLACEMENT OF AN EXISTING SOLID WOOD FENCE TO BE BUILT AT A HEIGHT OF 6 FEET IN LIEU OF THE MAXIMUM PERMITTED FENCE HEIGHT OF 4 FEET AND 33-1/3% OPEN FOR FENCES CLOSER TO THE STREET THAN THE PRINCIPAL STRUCTURE. 2. 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.

(Paul and Julie Nickoley, owners)

Staff Presentation

Village of Glen Ellyn Associate Planner Kelly Purvis was present to speak on behalf of the zoning variation being requested for 462 Stagecoach Run by the petitioners, Paul and Julie Nickoley. Ms. Purvis stated that the property owners are requesting approval of a variation from the Glen Ellyn Zoning Code as follows: 1. Section 10-5-5(B)4: Table #11 – to allow the replacement of an existing solid wood fence to be built at a height of 6 feet in lieu of the maximum permitted fence height of 4 feet and 33-1/3% open for fences closer to the street than the principal structure. 2. 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.

Ms. Purvis stated that 462 Stagecoach Run is a through lot which has essentially two front yards—one that fronts on the south side of St. Charles Road just west of the Euclid Avenue intersection and also on Stagecoach Run. She stated that the property is in the R2 zoning

district and the land use immediately surrounding the subject property is R1 and R2 single family residential and unincorporated DuPage County residential properties. She also stated that a notice of the public hearing was published in the February 23, 2018 edition of the Daily Herald, mailed to property owners within 250 feet of the subject property and a placard was placed on the property. Ms. Purvis stated that Village records indicate that building permits were issued for a new single-family home in 1988, a fence in 1989, a basement remodel in 1998, a fence (not along St. Charles Road) in 2002, grading/impervious surface/patio in 2011 and a new roof in 2012. She also stated that no previous variations have been granted for the subject property.

Ms. Purvis stated that the subject single-family home at 462 Stagecoach Run was constructed as part of a new single-family home development called the Stacy Woods Subdivision in 1990. She stated that the fence permit for the property was applied for in 1989 so it can be inferred that it was constructed as part of the overall development of the subdivision. She added that this would explain why most of the surrounding properties have the same 6-foot solid fence backing up to St. Charles Road. She also stated that the property is a through lot, having two front yards which face St. Charles Road and Stagecoach Run. She stated that the Zoning Code requires all fences closer to the street than the principal structure on a lot to be no taller than four (4) feet and 33-1/3% open. She also stated that the zoning code provides an exemption to this rule for through lots provided that the fence be positioned four (4) feet inside the property line which would interfere with the large trees and landscaping located there. She stated that the area should be maintained with viable shrubs planted four (4) feet on center on the outside of the fence. Ms. Purvis stated that the petitioners would lose approximately 10% of their rear yard and mature trees and landscaping if they were to relocate the fence four (4) feet from the rear property line. She also stated that since the same kind of fence placement surrounds the development, this would look strange to have this fence moved four (4) feet in. She added that a 4-foot fence height might look out of character for the neighborhood.

Ms. Purvis stated that the petitioners are proposing to reconstruct the existing solid wood fence which runs approximately 120 feet along St. Charles Road. She added they are requesting a variation only for the portion of the fence that runs along St. Charles Road in the exact same location; all other parts of the fence will meet the standards of the Zoning Code and will be four (4) feet high and 33-1/3% open.

Ms. Purvis stated that some other variances similar to this one have been granted in the Village. She showed an examples of a recent approvals in the Stacy's Woods Subdivision and on Avon Court with similar conditions.

Responses to Questions from the ZBA

Ms. Purvis explained for ZBA Member Greenleaf that only one public hearing notice placard is placed on a property, and the Village is not required to put out another placard on through lots.

Ms. Purvis responded to ZBA Member Micheli that it is her understanding that the petitioner and nearby neighbors did not need variations to construct their 6-foot tall fences, as it was part of their development. It is possible that the code was interpreted differently at the time these fences were constructed. She added that the verbiage in the Zoning Code at the time is almost exactly as it looks today. ZBA Member Miller stated one of the petitioners' neighbors applied for a variation for a fence in the area approximately five (5) years ago. Ms. Purvis replied, that is correct.

Petitioners' Presentation

Paul Nickoley, owner of the property at 462 Stagecoach Run, Glen Ellyn, Illinois, spoke on behalf of his variation request. He displayed some photos that look across St. Charles Road at the shadow box fence at the rear of his property. He added that the design of the fence is such that one can see somewhat through the fence. He displayed a photo of his fence as it currently exists and stated that it is dilapidated and a new fence is needed. Mr. Nickoley displayed a photo of his back yard to the east and stated that his back yard is 40 feet deep from the back of his house to the property line. He stated there is not much space in the rear yard and his patio extends approximately three-quarters of the way to the rear lot line. He stated that some trees are within the 4-foot line from the property line where the fence would have to come back to if they were to move it four (4) feet from the property line and some of the trees would need to be removed if the fence was replaced.

Mr. Nickoley stated that his hardship and practical difficulty as a homeowner is that the fence is in disrepair and needs to be fixed. He added that a fence that is four (4) feet tall and one-third open would result in a loss of privacy for his family. He stated that behind the fence is a sidewalk and then St. Charles Road. He added that there is a security issue with children and pets in their yard that requires a fence and that their fence is also a visual and auditory buffer from traffic on St. Charles Road. He stated that St. Charles Road has two (2) lanes and a 35 m.p.h. speed limit although cars often exceed that speed limit. He stated his family would lose 10% of the space in their yard if the fence was moved in four (4) feet and that large trees would also need to be removed which would change the character of the neighborhood. He also stated that the fence runs right along the property line.

Mr. Nickoley stated that changing the location of his fence would change the aesthetics of the area and would not match other fences along St. Charles Road. He stated that his fence is in the worst condition of all of the fences in the neighborhood. He also stated that bringing the fence down to four (4) feet would be a hardship and would change the essential character of the neighborhood.

Responses to Questions from the ZBA

Mr. Nickoley responded to ZBA Member Panther that he would install a shadow box fence as

chosen by his association to keep the fence consistent. Mr. Nickoley responded to ZBA Member Greenleaf that he plans on having a gate in the fence in order to maintain the outside parkway area. Mr. Nickoley responded to ZBA Member Jones that the association mows the parkway and agreed with ZBA Member Jones that some nearby areas, especially to the west, are not well maintained. Mr. Nickoley responded to ZBA Member Panther that his family uses the area of the yard where the trees are located. ZBA Member Jones felt that the petitioners could live with a 4-foot fence, however, Mr. Nickoley stated he would be able to see cars go by from his house with a 4-foot fence. Mr. Nickoley responded to ZBA Member Jones that he would not mind if there was a 6-foot fence across the street from his house due to its distance. Mr. Nickoley also responded to ZBA Member Whalls that they would like to install a 6-foot high fence that will match his neighbors' fences.

Persons in Favor of or in Opposition to the Variation Request

Juan Carlos Hernandez, 485 St. Charles Road, Glen Ellyn, Illinois stated he lives near Stagecoach. He stated that the boys who mow the lawn in the summer do a great job, however, in the spring, fall, and winter garbage collects on the parkway in the area that no one does anything about. His concern is that if the petitioner puts his fence up, will garbage continue to be in the area. Mr. Hernandez stated there is no fence on his side of the street and the yards are clean. He added that there will be a clean yard but a dirty street on the west side of the street. Mr. Hernandez also stated that when utility trucks service the poles in the area, it is sometimes wet outdoors and a mess is left behind. Acting Chairperson Micheli suggested that he contact the Village to have that taken care of. Mr. Hernandez also stated that some of the fences in the area are rotting.

ZBA Member Miller stated that Mr. Hernandez should deal with the association or Village to solve the garbage problem. ZBA Member Jones stated that the road is a County road. Ms. Purvis stated that someone from Village code enforcement could review this situation, however, the road is a County right-of-way so she is not certain whose responsibility it is to maintain the parkway. She added that this situation will be looked into.

Trustee Senak thanked Mr. Hernandez for coming to this public hearing and expressing his concerns.

Findings of Fact

ZBA Member Panther stated that Paul and Julie Nickoley, owners of 462 Stagecoach Run, are requesting approval of a variation from the Glen Ellyn Zoning Code, Section 10-5-5(B)4: Table #11 – to allow the replacement of an existing solid wood fence to be built at a height of 6 feet in lieu of the maximum permitted fence height of 4 feet and 33-1/3% open for fences closer to the street than the principal structure. ZBA Member Panther stated that Mr. Nickoley explained that there is an existing 6-foot tall shadow box fence at the rear of his property that is

in a state of disrepair. He stated that would cause the existing vegetation and trees to be removed if the fence was recessed four (4) feet which would be a loss of 10% of usable space in his rear yard. ZBA Member Panther stated that the proposed fence would match the fences in the surrounding neighborhood. Juan Carlos Hernandez, 485 St. Charles Road, Glen Ellyn, IL, stated that there is poor maintenance along the St. Charles right-of-way and staff will forward that information to the responsible Village parties.

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

Comments from the Zoning Board of Appeals

ZBA Member Panther was in favor of the variation request for a 6-foot fence as it would match the character of the neighborhood and there is a precedent for that height. He also stated that he would prefer to see the shadow box style of fence. He added that the subject fence was permitted at the time of construction.

ZBA Member Greenleaf stated she was in favor of the variation request as long as the petitioners maintain the area behind the fence.

ZBA Member Jones was against this variation request. He stated he has been driving up and down St. Charles Road since he was 16 years old and that road has never been maintained since the subdivision went in. He also stated that the sidewalk is never shoveled, leaves are never raked and a canyon effect is being created. He also stated that the petitioner is cutting himself off from the other residents in the neighborhood. He stated that on the inside of Stacy Woods, there is not a fence running down the lots that are not through lots so it is not a characteristic of every back yard. He felt that one of the reasons the code was changed was to have an aesthetic view of the area for others in the area. He stated that a 4-foot fence would allow a certain amount of privacy and security and having plantings would help as well. ZBA Member Jones stated that if the fence is not moved back four (4) feet, the County will not allow anyone to plant between the sidewalk and fence even though there might be two (2) feet there. He stated if one goes farther down St. Charles Road to Stagecoach, they have alternating fences and plantings to provide screening. He stated St. Charles is much different as Geneva is a much wider road.

Acting Chairperson Micheli was also against this variation request. He stated the canyon effect is a serious issue in that area and it is garbaging the area. He added that the character of the neighborhood is being destroyed and most houses do not have 6-foot fences. However, recognizing that there are houses with 6-foot fences, he stated there could be a compromise in which a 5-foot shadow box fence could be built and required to have a door so that their property can be maintained. ZBA member Micheli stated that we don't really know how these fences came to be constructed. Ms. Purvis responded to ZBA Member Micheli that the fence

was permitted by the Village as she had a building permit and no variance had been requested or granted. Ms. Purvis stated that she feels the code was being interpreted differently at that time so maybe they did not consider the rear yard the same as the front yard, in terms of the fence being closer to the street than the principal structure. She added that she believes the Village was aware of what they were allowing at that time and responded to Acting Chairperson Micheli that she does not feel a mistake was made regarding the fence around the entire subdivision. She also stated that a variation was not granted for the fence, therefore, the code may have been different for fences at that time. ZBA Member Micheli asked Ms. Purvis to show what part of the code could have been interpreted differently, that would have allowed the construction of this fence. Ms. Purvis read from the code: Section B, Height, No. 3 – Six (6) foot maximum for a fence located no closer to the street than the principal structure on the lot. She felt that it was possible that this was interpreted as the front yard only.

ZBA Member Whalls was in support of the proposed fence. He stated that a hardship is the speed limit of the cars driving through that area, which is typically more than 35 mph. He also stated the fence is a pre-existing condition and should be allowed. He also stated that the subject fence should match others in that area.

ZBA Member Miller was in favor of the proposed fence. He stated that what the ZBA is talking about saying no to is being put on one homeowner and that they are now going to change the character of the neighborhood by making his fence shorter and bringing it in and 10 percent of useful space is being taken away because the Village does not like the aesthetics. He added that even though the fence has been this way since the house was purchased, all of the neighbors are going to keep their taller fences until they decide to replace them. ZBA Member Miller stated he guarantees that the neighbors' fences will get much worse because no one will want to take their fence down and lose 10% of their yard. He added that there will be fences in that area that will look terrible for the next ten years. ZBA Member Miller stated the purpose of the ZBA is to consider variations to the code. He felt that it seems silly that the character of the neighborhood would be changed because the ZBA does not want the area to be a "tunnel" which it has been for many years. In response to Acting Chairperson Micheli, ZBA Member Miller asked if he would like to live in a neighborhood where one fence looks different than all the others and all of the other fences will deteriorate and fall down. Acting Chairperson Micheli stated he wants the fences in that area to become 5 feet tall, of a shadow box style and have a door in the rear so they can walk outside to pick up trash.

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

Motion

ZBA Member Miller moved, seconded by ZBA Member Whalls, that having considered the application of Paul and Julie Nickoley of 462 Stagecoach Run to allow a zoning variation for the

reconstruction of a 6-foot solid wood fence along their property line adjacent to St. Charles Road, the Zoning Board of Appeals hereby adopts the findings of fact per the petitioners' application packet and presented by the petitioners at the March 13, 2018 Zoning Board of Appeals public hearing as well as the findings and deliberations of the Zoning Board of Appeals and recommends approval of the requested variation from Section 10-5-5(B)4: Table #11 of the Zoning Code to allow the construction of a 6-foot tall wood fence in lieu of the maximum permitted height of 4 feet and 33-1/3% open fencing closer to the street than the principal structure with the following conditions: The project shall be constructed in substantial conformance with the plans as submitted with the additional requirement that the fence be a wood shadow box style with a gate and based on testimony presented at the March 13, 2018 public hearing of the Zoning Board of Appeals, including hardships or special conditions that the homeowner would lose approximately 10% of their rear yard and many mature trees if the fence was moved four (4) feet, changing the size of the fence or the location would change the neighborhood character and the petitioners would have a loss of privacy and security.

The motion did not carry with three (3) yes votes and two (2) no votes as follows: ZBA Members Miller, Whalls and Panther voted yes; ZBA Member Jones and Chairperson Micheli voted no.

AMENDMENT TO MOTION

Acting Chairperson Micheli moved, seconded by ZBA member Jones, to amend the motion to require the fence to be no taller than 5 (five) feet.

The motion did not carry with one (1) yes vote and four (4) no votes as follows: Acting Chairperson Micheli voted yes; ZBA Members Jones, Miller, Panther and Whalls voted no.

PUBLIC HEARING – 616 EUCLID AVENUE

A REQUEST FOR APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-8(D)3 – TO ALLOW THE CONSTRUCTION OF A TWO-STORY ADDITION ON THE REAR OF A HOME RESULTING IN A SIDE YARD SETBACK OF APPROXIMATELY 5.67 FEET IN LIEU OF THE REQUIRED 6.5 FOOT SIDE YARD SETBACK REQUIRED. 2. SECTION 10-8-6(B)3 – TO ALLOW A CLASS II ALTERATION TO A NON-CONFORMING STRUCTURE WHERE THE SIDE YARD SETBACK OF THE ADDITION WILL NOT MEET THE REQUIREMENTS OF THE ZONING CODE. 3. SECTION 10-8-4(E)1 – TO ALLOW THE CONSTRUCTION OF A TWO-STORY ADDITION ON A RESIDENCE RESULTING IN A LOT COVERAGE RATIO OF APPROXIMATELY 20.3% IN LIEU OF THE MAXIMUM PERMITTED LOT COVERAGE OF 20% FOR A TWO-STORY STRUCTURE. 4. SECTION 10-4-8(F)1 – TO ALLOW THE CONSTRUCTION OF A TWO-STORY ADDITION TO AN EXISTING RESIDENCE THAT WILL RESULT IN AN EAVE HEIGHT OF 23.5 FEET IN LIEU OF THE MAXIMUM PERMITTED EAVE HEIGHT OF 22 FEET. 5. 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.

(Todd and Kelly Phillips, owners)

Staff Report

Associate Planner Kelly Purvis was present to speak on behalf of the zoning variations being requested for 616 Euclid Avenue by the petitioners, Todd and Kelly Phillips. Ms. Purvis stated that the variations being requested are as follows: 1. Section 10-4-8(D)3 – to allow the construction of a two-story addition on the rear of a home resulting in a side yard setback of approximately 5.67 feet in lieu of the required 6.5-foot side yard setback required. 2. Section 10-8-6(B)3 – to allow a Class II Alteration to a non-conforming structure where the side yard setback of the addition will not meet the requirements of the Zoning Code. 3. Section 10-8-4(E)1 – to allow the construction of a two-story addition on a residence resulting in a lot coverage ratio of approximately 20.3% in lieu of the maximum permitted lot coverage of 20% for a two-story structure. 4. Section 10-4-8(F)1 – to allow the construction of a two-story addition to an existing residence that will result in an eave height of 23.5 feet in lieu of the maximum permitted eave height of 22 feet. 5. 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.

Ms. Purvis stated that the subject property is an interior lot located in the R2 zoning district on the west side of Euclid Avenue between Hawthorne Boulevard and Linden Street. She also stated that the zoning and land use immediately surrounding the subject property is R2 Single Family Residential. She stated that notice of the public hearing was published in the February 23, 2018 Daily Herald, mailed to properties within 250 feet of the subject property and a placard was placed on the property. No Village records were found relating to the granting of any zoning variations for the subject property and building permits for a new furnace, electrical service, new garage, sewer repair, pump/drain tile, sewer line replacement/backflow valve and patio/front walk have been issued for this property.

Ms. Purvis stated that the petitioners are proposing to construct a two-story addition on their home which was constructed in 1925 to the standards of the 1923 zoning code. She stated that at that time, the Village required the side yard setback to be 10% of the lot width. She added that 616 Euclid Avenue was platted as a 57-foot wide lot and would have been required to have a side yard setback of 5.7 feet. She also stated that today's code requires a side yard setback of 6.5 feet or 10% of the lot width, whichever is greater. She stated that the north side yard is 8 inches short of meeting the requirement, causing the home to be non-conforming. The Zoning Code prohibits additions to non-conforming parts of a structure and also limits the amount of additions and alterations permitted to a non-conforming structure. Ms. Purvis displayed the area of the proposed addition and stated that part of the addition will be an extension of the west elevation of the home and will match the north and south wall lines of the existing structure. Ms. Purvis stated that since the wall lines of the home are not exactly parallel to the side lot lines, the addition will encroach two more inches into the required side yard on the

north side of the building (the non-conforming side).

Ms. Purvis stated that the Phillips home is currently 1,497 square feet and the first and second floor additions to the home will add 1,983 square feet to the home resulting in a Class II addition which is permitted in the Zoning Code. She stated that in order to add a second story addition to the home, the entire roof will be removed. She added that the total exterior wall and roof area of the existing structure that will be altered will be 1,755 square feet (of the 3,043 square feet of existing surface area) resulting in a Class II alteration which is not permitted. She then displayed a drawing of the petitioners' proposal. Ms. Purvis stated that a Class II addition is allowed on a non-conforming property, however, a Class II alteration is not permitted. She also stated that in order to construct the addition as proposed, the petitioners will require a .3% variation from the lot coverage ratio requirement of 20%. She added that bonuses have been applied for 500 square feet of the garage area and 140 square feet of the covered front porch. Ms. Purvis stated that an eave height variation will also be required due to the style of the construction and the existing ceiling height of the first floor of the home. She added that the petitioners will need a variation to allow an eave height of 23 feet 6 inches in lieu of the maximum eave height of 22 feet permitted on a lot of this width. She stated that in order to comply with the code, the ceiling on the second story of the home would have to be lowered to 6 feet 6 inches. She also stated that the proposed ridge height of 31 feet 9 inches is in compliance with the requirements of the Zoning Code.

Ms. Purvis stated that a number of the petitioners' neighbors were in support of the variance requests and she displayed a map indicating neighbors in support of the subject requests. She also stated that an adjacent property owner came into the Planning and Development Department and expressed support for this project and felt the addition would improve the home while retaining the character of the neighborhood and of the streetscape.

Petitioners' Presentation

Todd and Kelly Phillips, 616 Euclid Avenue, Glen Ellyn, IL and Marc Kollias, architect, 25W767 Durfee Road, Wheaton, Illinois spoke on behalf of the subject variation requests.

Ms. Phillips stated her family lives in a nonconforming structure and they are requesting some variations to their home. She stated that their house was built in 1925 when the codes were different than they are now. She stated that the north side of their home is eight (8) inches too close to the property line. She stated that due to the nonconformity, they are limited in their alteration and are asking for a variation so that they can add onto the rear of their home and add a full second story as the existing second story is partial. She added that the alteration limitations would not be there without the nonconformity. She added that their second request is the north side setback, adding that they would like to continue the wall on the north side and the addition off the back on the second story to maintain that wall line. She added that made sense aesthetically for the neighborhood and their neighbors to the north also felt

that addition made sense. Ms. Phillips stated that regarding the interior of their home, they are trying to maintain the character and charm of their existing structure and just add to it to meet their family's needs. She stated that if they had to come in by the room they are adding onto in the rear, there would be a one-foot jut-in on the wall on the north side which would be difficult. Ms. Phillips stated their house is 4-1/2 feet above grade and adding a second story full height would not allow the window and the headers to fit without an eave height variation. She added that her neighbors to the rear are also in agreement with the proposal. Ms. Phillips stated that the proposed lot coverage is a small percentage, they are trying to stay within the footprint of their home as much as possible and are maintaining the stairs. She stated they very much want to continue to live in their home and the new changes will add charm and will fit in with the neighborhood.

Responses to Questions from the ZBA

ZBA Member Miller asked if the stairs could be moved. Architect Marc Kollias responded that bearing walls throw everything off so they would be required to do much more work in order to move the stairs. He stated they are adding to the stairs at the top and that is where the height issue comes in. He added that if they moved the stairs, they might as well knock down the house and start over. Acting Chairperson Micheli asked why they cannot have a proper eave and simply curve the interior. Mr. Kollias responded he would not be able to get windows in at the standard head height and fit in a header. Mr. Kollias responded to ZBA Member Jones that the porch floor is usually set 4-6 inches below the house floor. Mr. Kollias also stated that if they built the house new, they would have to drop the entire house closer to the ground. ZBA Member Miller asked if the windows were made shorter, would there be a life safety hazard because of egress and Mr. Kollias responded yes, adding that he needs so many square feet of clear opening in the rooms and they cannot be too close to the floor without fall protection. ZBA Member Miller stated that the current first floor eave height is close to the neighbors but Mr. Kollias was not sure which neighbors ZBA Member Miller was referring to. Mr. Phillips added that regarding the houses to the north and south, the front eaves are very similar to where the Phillips are currently and on the back side, they both added a second story which is much higher.

Persons in Favor of or in Opposition to the Variation Requests

No persons spoke in favor of or in opposition to the variation requests.

Findings of Fact

ZBA Member Panther stated that Todd and Kelly Phillips, the owners of the subject property at 616 Euclid Avenue, are requesting variances from the Glen Ellyn Zoning Code as follows:

1. Section 10-4-8(D)3 – to allow the construction of a two-story addition on the rear of the home resulting in a side yard setback of approximately 5.67 feet in lieu of the required 6.5-foot

side yard setback required. 2. Section 10-8-6(B)3 – to allow a Class II Alteration to a non-conforming structure where the side yard setback of the addition will not meet the requirements of the Zoning Code. 3. Section 10-8-4(E)1 – to allow the construction of a two-story addition on a residence resulting in a lot coverage ratio of approximately 20.3% in lieu of the maximum permitted lot coverage of 20% for a two-story structure. 4. Section 10-4-8(F)1 – to allow the construction of a two-story addition to an existing residence that will result in an eave height of 23.5 feet in lieu of the maximum permitted eave height of 22 feet. 5. 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.

ZBA Member Panther stated this property is an interior R2 lot with no prior variances granted. He stated that the existing lot is 57 feet wide with a 5.7 foot wide side yard to the north. He added that the subject property is not in conformance with the zoning code. ZBA Member Panther stated that the proposed ridge height of the subject property would be in compliance with the code.

ZBA Member Panther stated that the owners, Todd and Kelly Phillips, and their architect, Marc Kollias, stated that the hardship for the property is the nonconforming side yard. He added that they would like to extend the walls to the north for aesthetic reasons. He added that the stairwell elevation and location is part of the reason for the need for an eave variation and the additional .3% lot coverage.

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

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

Comments from the Zoning Board of Appeals

ZBA Member Whalls stated he had no issues with the requested variations whatsoever and appreciated that several people signed their petition. He stated he liked the project although he had minimal issues with the eave height. ZBA Member Micheli stated he had no issues with the project except for the eave height. He stated he is concerned that the house has designs that will stand out and look out of place and that the Village has eave height rules for a reason. He stated there is no reason the house could not be built to the eave height as required and possibly synthetic reasons are being created for why a 6-foot-6-inch wall and an 8-foot ceiling height would have issues with windows. ZBA Member Michel stated he believed cost is a factor. He added he does not see a hardship or practical difficulty related to the eave. ZBA Member Jones stated he is in favor of these variation requests. He stated he is fine with the

side yard. ZBA Member Panther stated he is generally supportive of the variation requests. He stated that the lot width is driving everything and created the hardship with the side yard setbacks and eave height. He stated he was most concerned about the .3% over on the lot coverage ratio. ZBA Member Miller stated he does not like being over on the lot coverage ratio but would approve this request.

Trustee Liaison Senak stated that the petitioners' home is beautiful and he appreciated the ZBA supporting the petitioners' efforts to improve their home instead of tearing it down. ZBA Member Jones moved, seconded by ZBA Member Whalls, to close the public hearing. The motion carried unanimously by voice vote.

Motion

ZBA Member Miller moved, seconded by ZBA Member Jones, to recommend approval of variations to allow a two-story addition to be constructed on the non-conforming home of Todd and Kelly Phillips located at 616 Euclid Avenue based on the findings of fact in the petitioners' application packet and as presented by the petitioner at the March 13, 2018 public hearing and that the Zoning Board of Appeals recommend approval of variations from the Zoning Code as follows: From Section 10-4-8(D)3 to allow a side yard setback of 5.67 feet in lieu of 6.5 feet, from Section 10-8-6(B)3 to allow a Class II alteration to a non-conforming structure where the addition will not meet the side yard setback on the north side of the property, from Section 10-8-4(E)1 to allow the construction of a 2-story addition resulting in a lot coverage ratio of 20.3% in lieu of the maximum permitted lot coverage ratio of 20% and from Section 10-4-8(F)1 to allow the construction of a two-story addition to the structure which will result in an eave height of 23.5 feet in lieu of the maximum permitted eave height of 22 feet based on the conditions that the project is constructed in substantial conformance with the plans as submitted and the testimony presented at the March 13, 2018 public hearing of the ZBA. ZBA Member Miller stated that the recommendation for approval is based on the hardships and special circumstances, that the eave height would be an egress life safety issue if it had to conform, and in conformance with the code, the stairs would need to be moved which would make the addition cost prohibitive and cheaper to tear down the home.

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

PUBLIC HEARING – 645 FOREST AVENUE

A REQUEST FOR APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-8-6(B)3 – TO ALLOW A CLASS III ALTERATION TO A SINGLE-FAMILY DWELLING THAT IS NONCONFORMING DUE TO ZONING BULK CONTROL REGULATIONS WHERE THE ADDITIONS TO THE STRUCTURE WILL BE APPROXIMATELY 13.5 FEET AND 18.25 FEET FROM THE PROPERTY LINE, IN LIEU OF THE 30-FOOT CORNER SIDE YARD SETBACK REQUIREMENT. 2. 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.

(Craig and Ann-Marie Cudzilo, owners)

Staff Report

Associate Planner Kelly Purvis stated that the petitioners for the project at 645 Forest Avenue are Craig and Ann-Marie Cudzilo, the owners. Ms. Purvis stated that the property owners are requesting approval of variations from the Glen Ellyn Zoning Code as follows: 1. Section 10-8-6(B)3 to allow a Class III Alteration to a single family dwelling that is non-conforming due to zoning bulk control regulations where the additions to the structure will be approximately 13.5 feet and 18.25 feet from the property line in lieu of the 30-foot corner side yard setback requirements. 2. 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.

Ms. Purvis stated that the subject property is a corner lot located in the R2 zoning district on the southeast corner of Linden Street and Forest Avenue. The land use immediately surrounding the subject property is R2 single-family. Ms. Purvis stated that the notice of public hearing was published in the February 23, 2018 edition of the Daily Herald, mailed to property owners within 250 feet of the subject property and a placard was placed on the property. She also stated that Village records indicate that there were no prior variations granted for this property. Ms. Purvis stated that building permits have been issued for an addition in 1948, a new garage in 1949, electrical services in 1964 and 1980 and a new asphalt driveway in 2010.

Ms. Purvis stated that the petitioners are proposing to construct a two-story addition as well as an attached garage addition to their home. They will be adding approximately 1,000 square feet, including the attached garage, to the first floor and 1,150 square feet to the second story. She stated that a portion of the new additions to the home will encroach into the non-conforming corner side yard setback, adding that encroachments to the new additions will be equal to or less than the existing corner side yard setback encroachments. Ms. Purvis added that the property owners recently demolished a detached garage as depicted on the plat of survey and have since constructed a two-car detached garage as shown on the current conditions site plan.

Ms. Purvis stated that the subject home was constructed in 1923 to the standards of the 1923 zoning code. She stated that at that time, the side yards were required to be 10 percent of the lot width regardless of the size of the lot, including corner lots. As 645 Forest Avenue is 100 feet wide, it is required to have a 10-foot corner side yard setback. She added that the current code requires a minimum of 30 feet for a corner side yard setback which makes the house at 645 Forest Avenue a nonconforming structure. She also stated that the Village Code limits the amount of alterations and additions to nonconforming structures and does not allow additions to non-conforming parts of a structure. Ms. Purvis stated that the addition built on the existing

home in 1948 was built on a cinder block (CMU) foundation and the petitioners' architect has stated it would not be adequate to support the proposed second story addition to the home. Ms. Purvis stated that the petitioners have suggested that the existing addition also created some unsafe level changes where it connects to the original structure and there are issues with staircases where the addition connects to the home. Ms. Purvis stated that removal of the existing addition will bring the alteration of the home to a Class II category at 74.9 percent and added that a Class II alteration is prohibited on a non-conforming structure. She stated that because the alteration is very close to a Class III alteration, staff is suggesting that the petitioners request a variance to allow a Class III alteration to avoid any issues during construction.

Ms. Purvis stated that the petitioners are requesting a Class III addition to their home where the additions will not meet the setback requirements of the zoning code and will be 13-1/2 feet and 18-1/2 feet from the corner side property line in lieu of the 30-foot requirement. She also displayed elevations of the subject property. Ms. Purvis displayed a map indicating neighbors in support of the subject requests.

Questions to Staff from Zoning Board of Appeals

Ms. Purvis responded to ZBA Member Miller that the only existing non-compliance is the corner yard side yard and that distance does not change with the addition. Ms. Purvis responded to ZBA Member Jones that a requirement for a Class III addition would be sidewalks, however, if the Village did not want sidewalks in this area, the petitioners would pay a fee-in-lieu of. She added that if the petitioners ultimately applied for a Class II alteration, sidewalks would not be required.

Petitioners' Presentation

Craig Cudzilo, the owner of 645 Forest Avenue, and Architect Steve Poteracki, Studio 1 Architects, 1105 Burlington Avenue, Western Springs, IL, spoke on behalf of the subject variation request.

Mr. Cudzilo stated that his family has lived in Glen Ellyn since 2006 and moved into their current home approximately one year ago. He stated that there are multiple issues with the home including uneven stairs which have caused accidents. The proposed addition cannot be built onto the house because of the dirt crawl space underneath and a portion of the foyer floor is being held up by a 50-year old car jack. Mr. Cudzilo stated that every staircase in his home has a different pattern and tread depth and this needs to be repaired as multiple falls have occurred. He stated that they would like the architectural design of their home to fit into the neighborhood.

Persons in Favor of or in Opposition to the Variation Requests

Sherry Shonkwiler, 646 Park Boulevard, Glen Ellyn, Illinois asked how close to the lot line the detached garage that is not yet built will be. Ms. Purvis responded it is 18 feet from the corner side yard setback. Mr. Poteracki also responded that the code permits a 5-foot setback and the garage will be pushed back an additional 3 feet from the house so it will be a total of 8 feet from the rear property line. Ms. Purvis explained for Ms. Shonkwiler that the petitioners need 5 percent of the lot width from the property line for a detached garage. At Acting Chairperson Micheli's request, Ms. Purvis explained what the setbacks on the detached garage would be. Ms. Purvis added that the garage conforms to the code and does have a larger footprint than the previous garage.

Trustee Liaison Senak thanked the petitioner for his service to the country. He also stated he appreciated the petitioners preserving their existing home. He also stated that a sidewalk may be required by the Village whether or not a resident wants it.

Findings of Fact

ZBA Member Panther stated that Craig and Ann-Marie Cudzilo, the petitioners, of 645 Forest Avenue are requesting a variance from the Glen Ellyn Zoning Code, Section 10-8-6(B)3, to allow a Class III Alteration to a single family dwelling that is non-conforming due to zoning bulk control regulations where the additions to the structure will be approximately 13.5 feet and 18.25 feet from the property line in lieu of the 30-foot corner side yard setback requirements. He stated that the subject property is a corner lot and is zoned R2 Single Family Residential. He added that no prior variances have been granted for this property. ZBA Member Panther stated that the house is a non-conforming structure due to a 10-foot setback requirement in the side yard that was in place at the time of construction. He stated that the removal of an existing addition changes the requirement to a Class II alteration, however, the petitioners are bumping it up into a Class III alteration in the event that becomes necessary. He stated that the corner side yard setback will continue to remain at 13.5 feet.

ZBA Member Panther stated that Craig Cudzilo, the owner, and Architect Steve Poteracki spoke on behalf of the variation request. Mr. Cudzilo would like to save an older property in town, however, the existing stairway layouts are hazardous. He also stated that the existing foundation cannot be used for a second floor addition.

ZBA Panther stated that Sherry Shonkwiler of 646 Park Boulevard, Glen Ellyn, IL requested clarifications regarding the new detached garage's setbacks.

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

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

Comments from the Zoning Board of Appeals

ZBA Member Panther stated he generally was supportive of what is being proposed as the angles of the property make the layout of the lot difficult. He stated the home is parallel to the street, but not the lot lines. He stated the changes will improve safety in the home. ZBA Member Greenleaf was in favor of the proposed variation request. ZBA Member Jones stated that he is not in favor of putting a sidewalk in that goes nowhere. ZBA Member Whalls felt the proposal is a great project. ZBA Member Miller was pleased that the petitioners are restoring the home and will improve the character of the neighborhood. Acting Chairperson Micheli also supported the proposed project.

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

Motion

ZBA Member Miller moved, seconded by ZBA Member Jones, that after considering the application of Craig and Ann-Marie Cudzilo for the zoning variation to allow a two-story addition and attached garage addition to be constructed on their non-conforming home located at 645 Forest Avenue, the Zoning Board of Appeals hereby adopts the findings of fact in the petitioners' application packet and presented by the petitioner at the March 13, 2018 Zoning Board of Appeals public hearing as well as the findings including the deliberations of the Zoning Board of Appeals and recommends approval of the requested zoning variation from Section 10-8-6(B)3 to allow a Class III alteration to a nonconforming structure where the additions to the structure will be approximately 13.5 feet and 18.25 feet from the property line in lieu of the 30-foot corner side yard setback, subject to the conditions that the project is constructed in substantial conformance with the plans as submitted and the testimony presented at the March 13, 2018 public hearing of the Zoning Board of Appeals and approved for the following special conditions: a mechanical jack is supporting the floor, the house has multiple life safety issues including poorly placed and uneven stairs, the house is on an odd-shaped lot, the foundation of the existing addition will not support a second floor and the new addition will save another home from being torn down.

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

Staff Report

Ms. Purvis stated that variations are schedule for the next two ZBA meetings.

Trustee Report

Trustee Senak stated that water main and sewer improvements for Roosevelt Road were recently approved by the Village Board. The Forest Preserve lease of Churchill Woods and the McKee House is moving up a year for fundraising. The Civic Center renovations are proceeding ahead. The Village Plan Commission is reviewing the Zoning Code. Park Boulevard will be relocated this summer. The Taylor Street underpass is progressing.

A motion was made to adjourn the meeting at 9:45 p.m. that carried unanimously by voice vote.

Submitted by:

Barbara Utterback
Recording Secretary

Kelly Purvis
Associate Planner