

ZONING BOARD OF APPEALS
MINUTES
MARCH 27, 2018

The meeting was called to order by Chairperson Rick Garrity at 7:00 p.m. ZBA Members Gregory Constantino, Matthew Jones, John Micheli, Chip Miller, Reed Panther and student Madeleine Greenleaf were present. ZBA Member Thomas Whalls was 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.

On the agenda was a public hearing regarding the property at 569 Prairie Avenue.

PUBLIC HEARING – 569 PRAIRIE AVENUE

A REQUEST FOR APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-8(E)1 TO ALLOW THE CONSTRUCTION OF A ONE-STORY ADDITION RESULTING IN A LOT COVERAGE RATIO OF APPROXIMATELY 23.94% IN LIEU OF THE MAXIMUM PERMITTED LOT COVERAGE RATIO OF 20% ON A LOT WITH A TWO-STORY HOME. 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.

(John Snyder and Jean Ostrander, owners)

Staff Presentation

Associate Planner Kelly Purvis stated that the petitioners, John Snyder and Jean Ostrander, are the owners of the property at 569 Prairie Avenue. She stated that they are requesting a variation from the Zoning Code as follows: Section 10-4-8(E)1 to allow the construction of a one-story addition on the rear of their home resulting in a lot coverage ratio of approximately 23.94% in lieu of the maximum permitted lot coverage ratio of 20% and 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 on the east side of Prairie Avenue between Hawthorne Boulevard and Cottage Avenue. She also stated that the property is in the R2 zoning district and 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 March 9, 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 permits were issued for a new single-family residence in 1996 and a fence in 1998 for the property. She also stated that as an amendment to the information in the packet ZBA members received, there have been 3 variations granted for this property. This was missed in the initial

review of the property, because it was developed as part of the Hawthorne Place Subdivision, a 12-lot single family subdivision. In total, the subdivision was granted 36 variations. She stated, 569 Prairie Avenue was granted 3 of those variations from the R2 zoning standards: a 50-foot lot width, a lot area of 8,000 square feet and a front yard setback of 25 feet. She showed a map of the subdivision and the subject property.

She stated that a standard lot that meets the requirements of the R2 zoning district could have up to 2,482 square feet of roofed over structures on the lot provided that bonuses for a detached garage and open front porch were applied. Ms. Purvis stated that on a lot of this size, 2,340 square feet of covered structures could be permitted on the lot if the bonuses were maximized. She added that the petitioners have indicated that they did not build a detached garage in the rear of the property due to the steep slope and grading which was designed to promote drainage for adjacent properties in the development. She stated that the subject residence is not eligible for a front porch bonus or a detached garage bonus and without applying any bonuses, the lot is permitted 1,600 square feet of roofed over structures. She added that the proposed project is 1,916 square feet.

Ms. Purvis stated that the petitioners are requesting an increase in the lot coverage limitation of the zoning code to allow the construction of a one-story addition on the rear of their home and she displayed the floor plan and elevations of the home. She stated they would like to reorganize parts of their first floor to allow for a more open floor plan. She added that as part of the proposed project, the existing breakfast nook would be demolished and in its place a 304-square foot living room would be added onto the house.

Ms. Purvis added that the petitioners included in their packet a petition in support of the proposed project with eight (8) of their neighbors' names listed. She displayed a map showing the adjacent property owners in support of the variation request.

Questions from the Zoning Board of Appeals

ZBA Member Greenleaf asked about water drainage on the property and Ms. Purvis explained that the Village Stormwater Engineer will review any project where more than 300 square feet of area is being disturbed for conformance with the stormwater ordinance.

Petitioners' Presentation

John Snyder and Jean Ostrander, owners of the property at 569 Prairie Avenue, and Rick Rearick, the petitioners' Architect, 155 N. Park Boulevard, Glen Ellyn, IL, were present to speak on behalf of a variation request for a one-story addition on the rear of the petitioners' home.

Mr. Snyder stated that the subdivision has water drainage issues and that water flows down and creates a problem for 566 Prairie Avenue. He stated that in order to make the area viable,

a developer installed a sewer on the corner so that water will drain off. He also stated that they cannot build on the eastern third of their lot due to a great deal of rock wall located there. He also pointed on a map to an area where a drainage easement exists at the rear of the property which would also prevent him and his wife from constructing a detached garage. Using a map on the projector, he showed how water flows on his property. He added that their garage is attached which makes the lot coverage challenging and that they could build the addition they are proposing if the garage was detached and they could take advantage of that bonus.

Mr. Snyder stated that their hardship is that their lot is undersized with a narrow width. He also stated that they are adding only one story—not two stories—to their home which is small. He also stated the addition will not impact their neighbors who are supportive of the proposed addition. He also stated that their patio is pervious and those bricks will be replaced once construction is completed.

Ms. Ostrander stated that they are the original owners of the subject home. She also stated that they would like to change the design of their home to better meet their needs. She stated that they built the home they could afford when they purchased the property, but had intended to add onto their home, knowing that they could build to the 25% lot coverage ratio, however, the code changed before they were able to build their addition. She also stated that they would have to tear their house down in order to detach the garage and receive that bonus. Mr. Snyder stated that the addition would be constructed on a flat part of the lot and would not interfere with the drainage.

Additional Questions/Comments from the Zoning Board of Appeals

ZBA Member Jones asked if any homes in the subject area have detached garages, and Ms. Ostrander responded that one house did. ZBA Member Micheli asked if there was any way the petitioners could build a detached garage on the property and Ms. Purvis replied no, not with the existing home on the lot. ZBA Member Miller stated that the floor area ratio of the home is currently is .38, the allowed amount is .40 (per the Ordinance approving the subdivision) and the proposed new project amount is .41. ZBA Member Miller stated that variations were required for the subject subdivision, including three (3) for the subject property. The ZBA voted against the entire subdivision. He stated that the petitioners were aware of all of the constraints on the property when they chose to build on it. He asked the petitioners what their new hardship is. Rick Rearick, the petitioners' architect, responded the zoning change. ZBA Member Miller stated that the neighbors in that area wanted larger lots and were concerned about density. The ZBA voted against the whole subdivision. ZBA Member Jones stated that he drove through the neighborhood and most houses in the neighborhood have attached garages.

ZBA Member Constantino asked if the proposed plan could be reduced to minimize the variation. Mr. Snyder replied that he would need to discuss this further with his architect. Ms. Ostrander added that she did not want a long narrow room created because of a reduction in

the size of the plan and she wanted the space to be useful. She also stated that what they would like to build is minor relative to what they thought they could do to improve their home. The petitioners added that they have no intention of moving and they are making these improvements to their home to make it more livable. Mr. Snyder reiterated that he and his wife are not zoning experts, they got caught up by the change in the zoning code.

Persons in Favor of or in Opposition to the Variation Request

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

Findings of Fact

ZBA Member Constantino stated that John Snyder and Jean Ostrander, owners of the property at 569 Prairie Avenue, are requesting approval of a one-story addition on the rear of their home resulting in a lot coverage ratio of approximately 23.94% in lieu of the maximum permitted lot coverage ratio of 20%. The property is an interior lot located on the east side of Prairie Avenue between Hawthorne Boulevard and Prairie Avenue in the R2 zoning district. The zoning and land use immediately surrounding the subject property also is R2 single family residential. ZBA Member Constantino stated that three (3) variations were granted for the subject lot for a 50-foot width in lieu of the required 66-foot width, an 8,000 square foot area in lieu of the required 8,712 square feet and a front yard setback of 25 feet in lieu of the required 30 feet. The larger development received a total of 36 variations. ZBA Member Constantino stated that when the lot coverage ratio was 25%, the petitioners' new home was constructed at 20.9%, however, the lot coverage ratio was thereafter reduced to 20%. He added that the petitioners cannot construct a detached garage on the subject property because of the slope in the rear yard and the drainage easement on the property and therefore cannot benefit from the lot coverage bonus for a detached garage. He also stated that as part of the project, the 65-square foot breakfast nook will be removed and 304-square feet of living space will be added for a net increase of 239 square feet. ZBA Member Constantino stated that their proposed project has the approval of their surrounding neighbors. He stated that a drainage plan would be required by the Village for this project if the variation were granted. Mr. Constantino stated that water drainage issues exist from the north to the south with swales running through the property and because of the slope and the grade, the owners cannot build on the east side which would affect drainage patterns. The rear third of the lot slopes down to the storm sewer so the owners cannot construct a garage in the rear of the lot.

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

Mr. Snyder asked to speak once more. He stated that this is one of the smaller lots in the subdivision. He stated that the proposed addition will improve the salability of the home. The

homeowners did not increase their lot coverage to 25% when it was code compliant due to the cost at that time.

Comments from the Zoning Board of Appeals

ZBA Member Micheli stated that there were no unique circumstances, practical difficulties or particular hardships regarding this variation request. He stated that variations are not allowed for financial gain. He stated that he does not see a basis on which to grant a variance.

ZBA Member Miller expressed sympathy for the petitioners, but stated that three (3) variations had already been granted and a garage could never have been built on that lot due to the drainage easement. He added that the ZBA had voted no to the original subdivision for this very reason - 12 substandard lots were created. With the limitation on the FAR expressed in the Ordinance, to reduce bulk on the lots, he stated he does not feel comfortable granting the variation.

ZBA Member Constantino was not in favor of the proposed variation request because no hardship or practical difficulty was demonstrated. He felt that an almost 24% lot coverage ratio was excessive.

ZBA Member Panther felt sympathetic and stated that substandard lots create challenges. He did not see a clear hardship for this property however.

ZBA Member Jones stated it would be nice if nonconformities were grandfathered, but they are not. He also stated that the lot coverage ratio had changed from 25% to 20% for a reason, so he was not supportive of this request.

ZBA Member Greenleaf was in favor of the variation request, however, wanted the petitioners to be sure that water did not impact the petitioners' neighbors if the variation is granted.

Chairperson Garrity stated that the ZBA had voted no on a similar project in the past and the Village Board overturned that vote. He told the petitioners that it did not look like the ZBA would give a positive recommendation, but they could take their chances with the Village Board.

The petitioners requested a few minutes to discuss their options. After a few minutes, they returned and stated that they would like to take their request before the Village Board.

Motion

ZBA Member Miller moved, seconded by ZBA Member Micheli, to deny the variation request to allow a lot coverage ratio of 23.94% in lieu of the permitted 20% maximum lot coverage. The ZBA voted 6 yes – 0 no. Motion to deny carries.

Trustee Report

Trustee Liaison Senak provided a brief summary of Village information.

Chairperson Report

No chairperson report was given.

Staff Report

Ms. Purvis stated that one variation request was on the agenda for the next ZBA meeting.

The meeting was adjourned at 9:44 p.m.

Submitted by:

Barbara Utterback
Recording Secretary

Kelly Purvis
Associate Planner