

DRAFT MINUTES  
ZONING BOARD OF APPEALS  
MINUTES  
MAY 22, 2018

The meeting was called to order by Chairperson Greg Constantino at 7:02 p.m. ZBA Members Steve Lucchesi, Chip Miller and Reed Panther were present. ZBA Members Matthew Jones, John Micheli, Thomas Whalls and Student ZBA Member Madeleine Greenleaf were excused. Also present were Planner Kelly Purvis, Recording Secretary Debbie Solomon and Recording Secretary Karin Kietzman.

Chairperson Constantino explained the procedures of the Zoning Board of Appeals (ZBA).

MINUTES

ZBA Member Miller moved, seconded by ZBA Member Panther, to approve the minutes of the March 13, 2018 meeting, the minutes of the March 27, 2018 meeting and the minutes of the April 10, 2018 meeting. The motion carried unanimously with a voice vote.

On the agenda was a public hearing regarding the property at 655 Pleasant Avenue.

Chairperson Constantino stated all members of the Zoning Board of Appeals have visited the property and are aware of the proposed plans.

PUBLIC HEARING – 655 PLEASANT AVENUE

TIM AND JENNIFER O'SHEA ARE REQUESTING APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS TO ALLOW ALTERATIONS AND ADDITIONS TO A NON-CONFORMING PRINCIPAL STRUCTURE ON THE PROPERTY LOCATED AT 655 PLEASANT AVENUE: 1. SECTION 10-4-8(D)4 TO ALLOW THE CONSTRUCTION OF AN ADDITION RESULTING IN A CORNER SIDE YARD SETBACK OF 23.97 FEET IN LIEU OF THE REQUIRED 30 FOOT CORNER SIDE YARD SETBACK. 2. SECTION 10-5-5(B)4 - TO ALLOW A CHIMNEY THAT WILL ENCROACH INTO THE CORNER SIDE YARD SETBACK RESULTING IN A SETBACK OF 22 FEET 5-1/2 INCHES IN LIEU OF THE PERMITTED SETBACK OF 28 FEET. 3. SECTION 10-8-6(B)3 TO ALLOW A CLASS II ALTERATION TO A SINGLE FAMILY DWELLING THAT IS NON-CONFORMING DUE TO ZONING BULK CONTROLS, WHERE THE ADDITION TO THE NON-CONFORMING STRUCTURE WILL NOT MEET THE CORNER 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.

(Tim and Jennifer O'Shea, interested parties in purchasing the property at 655 Pleasant Avenue)

Staff Presentation

Planner Kelly Purvis was present to speak regarding the proposed variation request. Planner Purvis stated petitioners Tim and Jennifer O'Shea are the parties interested in the purchase of 655 Pleasant Avenue, and the current owner of the property is Ray Whalen Builders, Inc. Planner Purvis stated the petitioners are proposing variations from the Glen Ellyn Zoning Code to allow alterations and additions on a non-conforming principal structure as follows:

1. Section 10-4-8(D)4 to allow the construction of an addition resulting in a corner side yard setback of 23.97 feet in lieu of the required 30 foot corner side yard setback; and
2. Section 10-5-5(B)4 to allow a chimney to encroach into the corner side yard setback resulting in a setback of 22 feet 5-1/2 inches in lieu of the permitted setback of 28 feet; and
3. Section 10-8-6(B)3 to allow a class II alteration to a single family dwelling that is non-conforming due to zoning bulk controls, where the addition to the non-conforming structure will not meet the corner side yard setback; and
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.

Planner Purvis stated that the subject property is a corner lot, located in the R2 Zoning District on the northeast corner of Linden Street and Pleasant Avenue, and the land use immediately surrounding the subject property is R2 single-family residential.

Planner Purvis stated notice of the public hearing was published in the May 7, 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. Planner Purvis showed the Certificate which verifies the notice was published in the Daily Herald.

Planner Purvis stated, Village records indicate that there were no prior variations granted for this property, and Village records indicate that the following permits have been issued for this property: Electrical Service in 1960 and Front Porch Addition in 1964.

Planner Purvis showed an overview picture of the property and stated Tim and Jennifer O'Shea are interested in purchasing the property at 655 Pleasant Avenue and are proposing to update the house with a remodel and an addition for their family to move into. Planner Purvis stated

alterations to the one-story house will include removal of the roof and the addition of a second story (approximately 1505 sf), demolition of the mud room at the rear of the home and the addition of a one-story screened room addition (approximately 231 sf) on the back of the house. Planner Purvis stated the existing detached 2 car garage will be demolished and replaced with a detached 3 car garage (approximately 655 sf), and the existing 12 foot wide front porch/entrance will be removed and a new front porch (approximately 297 sf) will be added, which will span the length of the front of the home (42.5 feet).

Planner Purvis stated the existing structure is non-conforming to the corner side yard setback at 23.97 feet in lieu of the required 30 foot setback. Planner Purvis stated there is also a bay window which encroaches an additional 1.77 feet (which will be removed), and a chimney which encroaches an additional 1.07 feet into the non-conforming side yard. Planner Purvis stated in 1927, when the home was constructed, all side yards (including corner side yards) were only required to be 10% of the lot width (8 feet in this case). Planner Purvis stated today's Code requires a minimum of 30 feet for a corner side yard setback, making the home at 655 Pleasant Avenue a non-conforming structure. Planner Purvis stated the Village Code limits the amount of alteration and addition to non-conforming structures and does not allow additions to non-conforming parts of a structure.

Planner Purvis stated the proposed additions would match the existing wall line of the home, with an added 1.5 foot encroachment of the chimney. Planner Purvis stated chimneys are allowed to encroach up to 2 feet into the required setback (on a conforming structure), but due to the structure's non-conforming setback, the chimney will encroach further than permitted. Planner Purvis stated no part of the new structure will encroach further into the required side yard setback than the existing structure.

Planner Purvis stated since the entire roof of the structure will be removed to add the second story, the project will require a variation for a class II alteration to a nonconforming structure. Planner Purvis stated the demolition of the mud room and bay window is factored into the calculation of the alteration class as well. Planner Purvis stated the addition is a class I and would be a permitted amount of added square footage to a non-conforming structure.

Planner Purvis stated in order to move forward with the project as proposed the petitioners will need to be granted a variation to allow a class II alteration to the nonconforming home, where the additions will not meet the setback requirements of the Code and will be 23.97 feet from the corner side property line in lieu of the 30 foot requirement. Planner Purvis stated a variation for the chimney encroachment to 22 feet 5-1/2 inches in lieu of the 28 feet permitted will also be required.

Planner Purvis showed elevations of all sides of the existing home and the proposed home with the new additions and alterations.

Questions from the Zoning Board of Appeals

ZBA Member Miller questioned if the Lot Coverage Ratio (LCR) is not a problem even though the petitioners are proposing to add an addition? Planner Purvis stated that is correct. ZBA Member Miller stated the corner side yard setback is the same. Planner Purvis stated it is the same or slightly diminished as the bay window will be removed. ZBA Member Miller stated the front yard setback which is also non-compliant is the same. Planner Purvis stated the front yard setback is the same, and the porch encroachment after reconstruction is permitted.

Chairperson Constantino stated the total project will alter beyond 50% of the existing structure, so this pushes the project to a Class II alteration. Planner Purvis stated that is correct, if the structure was not non-conforming, the changes to the home as proposed would be permitted. Chairperson Constantino stated they are not seeking any LCR change to which Planner Purvis stated the LCR will be 17.39%, below the 20% LCR permitted by Code. Chairperson Constantino asked if due to the amount of proposed work, there will be a drainage study done? Planner Purvis stated a drainage study will need to be approved. Chairperson Constantino stated in the packet, there is a copy of a petition from several neighbors to the property giving their approval for this proposed project and asked if any negative comments about this proposed project have come to the Planning and Development Department? Planner Purvis stated there was a woman who came in and asked to see the plans. Planner Purvis stated the woman asked about the parkway trees on the property. Planner Purvis stated that she told the woman that the trees would not be removed as the trees are in the public right-of-way. Planner Purvis stated the woman was also curious about the coverage of the lot which does not require a variation. Planner Purvis stated there has been no other feedback on this project.

ZBA Members Panther and Lucchesi had no questions for Planner Purvis.

Petitioners' Presentation

Jennifer O'Shea, one of the interested persons in purchasing 655 Pleasant Avenue and current resident at 619 Euclid Avenue, stated they currently live in a home about seven doors down from the 655 Pleasant home. Mrs. O'Shea stated they are looking to downsize to this home, but wanted to make some changes to the home and restore the charm of the home. Mrs. O'Shea stated they do not want to tear down the home, and the proposed improvements to the home will last a long time.

Steve Poteracki, architect with Studio 1 Architects in Western Springs, Illinois, stated the property was originally platted in the 1920's, and at that time, this property was a conforming piece of property with conforming setbacks. Mr. Poteracki stated the proposed project will not encroach any further into the non-conforming side yard, and they are proposing to not make the mass of the home too tall. Mr. Poteracki stated they would like to keep the charm of the

home and are proposing to make the home 1 ½ stories from the front with 2 stories on the northeast corner of the home. Mr. Poteracki stated the goal is to keep the setbacks of the home as it was originally platted and to keep the home fitting with the fabric of the neighborhood.

Ray Whalen from Ray Whalen Builders, Inc. was also present as the current owner of 655 Pleasant Avenue, but Mr. Whalen did not speak at the public hearing.

#### Additional Questions from the Zoning Board of Appeals

ZBA Member Panther asked if any consideration was given to the keeping the screened porch within the setbacks. Mr. Poteracki stated this would make awkward spaces. He stated they did look at orienting the garage differently, but this would impact too many existing trees on the property.

ZBA Member Miller asked, in order to stay compliant with today's code, they would need to tear down half the home or the whole home. Mr. Poteracki stated due to the classifications, once you remove the roof and the porch in the back, you would already be over the alteration numbers. Mr. Poteracki stated the porch in the back needs to be replaced. Mr. Poteracki stated once you remove the roof, the gable ends and the mudroom, you would already be into a variation. ZBA Member Miller stated the petitioners cannot update the home unless it is torn down or get a variation to which Mr. Poteracki stated this is correct.

Chairperson Constantino asked in Mr. Poteracki's professional opinion, if there would be any drainage issues on the property and if these were considered on the plans. Mr. Poteracki stated the lot grades well from west to east and some to the south, and the proposed addition should not impede any water drainage. Planner Purvis stated there will need to be a full stormwater review done for the project, and the project will have to meet DuPage County's Stormwater Ordinance.

Mrs. O'Shea stated she did survey the neighbors surrounding the property as much as possible. Mrs. O'Shea stated once she explained the proposed project, the neighbors were positive and happy about the project as the neighbors were concerned the home would be torn down, or there might be drainage issues. Mrs. O'Shea stated there has been approval from the Village that no sidewalks will ever be installed on the Linden Avenue side of the property.

#### Persons in Favor of or in Opposition to the Variation Requests

Richard Schowalter, who resides at 645 Pleasant Avenue, was sworn in and stated he lives across the street. Mr. Schowalter stated they were worried about what would happen if the home was torn down or if the home would come closer to the street. Mr. Schowalter stated this proposed project seems it should be fine.

ZBA Member Miller asked how long the home was for sale. Mr. Schowalter stated the home was for sale for a few months last summer.

#### Findings of Fact

ZBA Member Panther presented that petitioners Tim and Jennifer O'Shea are the parties interested in the purchase of 655 Pleasant Avenue, and the current owner of the property is Ray Whalen Builders, Inc. ZBA Member Panther stated the petitioners are proposing variations from the Glen Ellyn Zoning Code to allow alterations and additions on a non-conforming principal structure as follows:

1. Section 10-4-8(D)4 to allow the construction of an addition resulting in a corner side yard setback of 23.97 feet in lieu of the required 30 foot corner side yard setback; and
2. Section 10-5-5(B)4 to allow a chimney to encroach into the corner side yard setback resulting in a setback of 22 feet 5-1/2 inches in lieu of the permitted setback of 28 feet; and
3. Section 10-8-6(B)3 to allow a Class II alteration to a single family dwelling that is non-conforming due to zoning bulk controls, where the addition to the non-conforming structure will not meet the corner side yard setback; and
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.

ZBA Member Panther stated that the subject property is a corner lot, located in the R2 Zoning District on the northeast corner of Linden Street and Pleasant Avenue, and the land use immediately surrounding the subject property is R2 single-family residential. ZBA Member Panther stated Village records indicate that there were no prior variations granted for this property, and Village records indicate that the following permits have been issued for this property: Electrical Service in 1960 and Front Porch Addition in 1964.

ZBA Member Panther stated Tim and Jennifer O'Shea are interested in purchasing the property at 655 Pleasant Avenue and are proposing to update the house with a remodel and an addition for their family to move into. ZBA Member Panther stated alterations to the one-story house will include removal of the roof and the addition of a second story, demolition of the mud room at the rear of the home and the addition of a one-story screened room addition on the back of the house. ZBA Member Panther stated the existing detached 2-car garage will be demolished

and replaced with a detached 3 car garage, and the existing 12- foot wide front porch/entrance will be removed and a new front porch will be added, which will span the length of the front of the home. ZBA Member Panther stated no part of the new structure will encroach further into the required side yard setback than the existing structure.

ZBA Member Panther stated since the entire roof of the structure will be removed to add the second story, the project will require a variation for a Class II alteration to a nonconforming structure as the alterations to the home are proposed to be greater than 50% of the structure. ZBA Member Panther stated a drainage study will be required due to the changes to the structure.

ZBA Member Panther stated the ZBA heard from petitioner Jennifer O'Shea and architect Steve Poteracki, and Mrs. O'Shea indicated they are interested in restoring this home. ZBA Member Panther stated Mrs. O'Shea has indicated that in talking with the neighbors, they seem happy the home will not be torn down ZBA Member Panther stated Mrs. O'Shea indicated the Village has approved that no sidewalks will be installed on the Linden side of the property.

ZBA Member Panther stated Mr. Poteracki indicated that the property was conforming when constructed in the 1920's, and they are trying to minimize the addition to the non-conforming portion of the setback by placing a one-story screened porch along that portion of the property. ZBA Member Panther stated Mr. Poteracki indicated it would be difficult to update the home without a variance as removing the roof and mudroom alone would be a Class II alteration.

ZBA Member Panther stated the ZBA heard from Richard Schowalter, of 645 Pleasant Avenue, that he is in favor of the improvements.

### Motion

ZBA Member Miller moved, seconded by ZBA Member Lucchesi, that the Zoning Board of Appeals recommended approval of the Findings of Fact.

The motion carried unanimously with a voice vote.

### Additional Comments from the Zoning Board of Appeals

ZBA Member Miller stated he was worried about the size of the setback, but it seems the petitioner has done everything to minimize the effect of the smaller setback. ZBA Member Miller stated on the same street, there is another home that would need the same relief from the Zoning Code, as it is non-conforming to the corner side yard setback, but is already a 2-story structure. ZBA Member Miller stated this proposed home will fit in with the neighborhood, and he is fully in favor of this project. ZBA Member Miller stated this is a nice way to save an

older home in Glen Ellyn.

ZBA Member Panther stated he is in favor of this project. ZBA Member Panther stated they have done a good job in keeping with the context of the neighborhood. ZBA Member Panther stated he would rather see the home saved.

Chairperson Constantino stated he is in favor of the variances. Chairperson Constantino stated the situation is not caused by the petitioners. Chairperson Constantino stated the hardship is a Class I alteration could be possible, but given the nature of the roof removal pushes this project to a Class II alteration. Chairperson Constantino stated there is no increased encroachment into the side yards, and there will be no adverse effect to the surrounding neighbors who have signed a petition showing their support of the proposed project. Chairperson Constantino stated the proposal is compatible with the surrounding area, and the plan maintains the character of the neighborhood. Chairperson Constantino stated there appear to be no drainage issues.

ZBA Member Lucchesi stated the petitioners have done their homework, and the proposed home will fit within the surrounding neighborhood. ZBA Member Lucchesi stated the benefit is that the petitioners will be modifying an older home instead of knocking the home down. ZBA Member Lucchesi stated he is concerned about possible drainage issues, but he is ok with it, because this will be checked out before the project is permitted.

#### Motion

A motion was made by ZBA Member Panther and seconded by ZBA Member Lucchesi to close the public hearing for 655 Pleasant Avenue at 7:38 p.m.

The motion carried unanimously with a voice vote.

A motion was made by ZBA Member Miller and seconded by ZBA Member Panther that the Zoning Board of Approvals recommend approval of the variances as requested by petitioners Tim and Jennifer O'Shea for the property located at 655 Pleasant Avenue to allow alterations and additions on a non-conforming principal structure due to the fact that the initial plat of survey for the home when it was built was conforming and that the petitioners and owner cannot update the home without a variation or tearing the home down and starting over. The recommended variances are as follows:

1. Section 10-4-8(D)4 to allow the construction of an addition resulting in a corner side yard setback of 23.97 feet in lieu of the required 30 foot corner side yard setback; and

2. Section 10-5-5(B)4 to allow a chimney to encroach into the corner side yard setback resulting in a setback of 22 feet 5-1/2 inches in lieu of the permitted setback of 28 feet; and
3. Section 10-8-6(B)3 to allow a Class II alteration to a single family dwelling that is non-conforming due to zoning bulk controls, where the addition to the non-conforming structure will not meet the corner side yard setback; and
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 motion carried unanimously with four (4) "yes" votes as follows: ZBA Members Miller, Panther and Lucchesi and Chairperson Constantino voted yes.

Chairperson Constantino stated the ZBA has voted to recommend approval, and this proposed project will go to the Village Board for approval. Planner Purvis stated this should be on the next available agenda for the June 25, 2018 Village Board Meeting.

#### Village Board Trustee Report

No Village Trustee Report was given.

#### Staff Report

Planner Purvis stated they will have a ZBA meeting on June 12, 2018, regarding a Public Hearing for 864 Bemis Road.

Planner Purvis stated for a point of clarification, that any case that receives unanimous support from the ZBA may not necessarily go on the Consent Agenda for the Village Board meeting. The Village President and Village Manager select the items that go on the Consent Agenda, and may wish to further discuss a project, even though it received unanimous support. She asked that in the future, if a project receives a unanimous recommendation from the ZBA that it be stated that the project may go on the Consent Agenda. Staff will reach out with further clarification.

#### Adjournment

At 7:44 p.m., a motion was made by ZBA Member Miller and seconded by ZBA Member Panther to adjourn the meeting. The motion carried unanimously by a voice vote.

Respectfully submitted,

Debbie Solomon  
Recording Secretary

Reviewed by,

Kelly Purvis  
Planner