

MINUTES
ZONING BOARD OF APPEALS
MINUTES
JUNE 12, 2018

The meeting was called to order by Chairperson Greg Constantino at 7:01 p.m. ZBA Members Matt Jones, John Micheli, Reed Panther, Tom Whalls and ZBA Student Member Maddie Greenleaf were present. ZBA Members Steve Lucchesi and Chip Miller were excused. Also present were Village Planner Kelly Purvis, Recording Secretary Debbie Solomon and Village Trustee Mark Senak.

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

MINUTES

ZBA Member Micheli moved, seconded by ZBA Member Jones, to approve the minutes of the May 22, 2018 meeting. The motion carried unanimously with a voice vote.

On the agenda was a public hearing regarding the property at 864 Bemis Road.

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

A motion was made by ZBA Member Micheli and seconded by ZBA Member Jones to open the public hearing for 864 Bemis Road at 7:05 p.m. The motion carried unanimously with a voice vote.

PUBLIC HEARING – 864 BEMIS ROAD

MARTHA AND LANCE LAMBERT ARE REQUESTING APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS TO ALLOW A TWO-STORY ADDITION AND THE RECONSTRUCTION OF THE FRONT PORCH ON A NON-CONFORMING STRUCTURE AT 864 BEMIS ROAD: 1. SECTION 10-4-9(D)1(b) TO ALLOW THE CONSTRUCTION OF AN ADDITION RESULTING IN A FRONT YARD SETBACK OF 35.77 FEET IN LIEU OF THE REQUIRED 45 FOOT FRONT YARD SETBACK TO MATCH THE FRONT YARD SETBACK OF THE CLOSEST ADJACENT STRUCTURE ON THE STREET. 2. SECTION 10-4-9(D)3 TO ALLOW THE CONSTRUCTION OF A NEW PORCH RESULTING IN AN INTERIOR SIDE YARD SETBACK OF 9.84 FEET IN LIEU OF THE REQUIRED SIDE YARD SETBACK OF 17.79 FEET. 3. 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.

(Martha and Lance Lambert, owners of the property at 864 Bemis Road)

Staff Presentation

Village Planner Kelly Purvis was present to speak regarding the proposed variation request. Village Planner Purvis stated petitioners Martha and Lance Lambert are the owners of the property at 864 Bemis Road.

Village 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 10-4-9(D)1(b) - to allow the construction of a two story addition resulting in a front yard setback of 35.77 feet in lieu of the required 45 foot front yard setback to match the front yard setback of the closest adjacent structure on the street; and
2. Section 10-4-9(D)3 - to allow the construction of a new porch resulting in an interior side yard setback of 9.84 feet in lieu of the required side yard setback of 17.79 feet; and
3. 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.

Village Planner Purvis stated that the subject property is interior lot, located in the R2B Zoning District on the north side of Bemis Road at the intersection of Bemis Road and Ridge Road, and the land use immediately surrounding the subject property is R2B single-family residential.

Village Planner Purvis stated notice of the public hearing was published in the May 24, 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.

Village 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: Water Hook-Up in 1987, Sewer Hook-Up in 1988 and a New Shed in 2017.

Village Planner Purvis showed an exterior picture of the property and stated Martha and Lance Lambert would like to demolish the eastern addition on their home which they have suggested was poorly constructed. Village Planner Purvis stated in place of the existing two-car garage (below grade) and master suite (on the ground floor of the home), the Lamberts would like to construct a four-car garage on the lower level and a master suite with a sunroom on the second story. Village Planner Purvis stated they also would like to reconstruct the front porch on the west side of the house.

Village Planner Purvis stated the property was originally developed in unincorporated DuPage County and was annexed into the Village in 2014 as legally non-conforming. Village Planner Purvis stated the home is non-conforming to the side yard setback on the west side of the property with a setback of 9.84 feet in lieu of the required 17.79 feet and also non-conforming to the front yard setback with a setback of 35.77 feet which would be Code compliant except that the closest adjacent principal structure on the street has a setback of 45 feet. Village Planner Purvis stated the proposed addition falls within the permitted amount of alteration and addition to a nonconforming structure. Village Planner Purvis stated the proposed addition will extend the footprint of the home easterly, matching the non-conforming wall line of the front façade. Village Planner Purvis stated the reconstruction of the front porch will also match the existing nonconforming wall of the west side of the home. Village Planner Purvis stated in order to make these alterations to the home as proposed, the petitioners will need to be granted variations from the front and side yard setbacks of the Zoning Code.

Village Planner Purvis showed an overview picture of the proposed home from different elevations. Village Planner Purvis stated if you look at the original plat of survey for this property, you see that a good portion of the property is not buildable or useable as there is a creek running through the property, and the property is in a floodplain.

Questions from the Zoning Board of Appeals

ZBA Member Jones asked if this property is two parcels as he thought he saw this listed somewhere in the packet. Village Planner Purvis stated it is only one lot, but it is not uncommon to have two pin numbers, but be one lot.

ZBA Member Micheli asked how two pins represent the same parcel. Village Planner Purvis stated she is not sure about this, but assumes they were consolidated at some point and kept both pins. ZBA Member Whalls stated he has seen this where it has not been changed physically in the system.

ZBA Members Panther and Whalls and ZBA Student Member Greenleaf had no questions for Village Planner Purvis.

Petitioners' Presentation

Stephen Flint, Principal at Flint Architects located at 314 S. Westmore Avenue in Lombard, Illinois, stated the existing addition was poorly constructed, and the property owners would like to extend a new addition to the front of the home so it will not be over the preceding end. Mr. Flint stated this proposed addition will look seamless with the rest of the home, and the home owners are proposing to do other improvements as well such as painting the exterior of the home. Mr. Flint stated the proposed addition will match the rest of the home in height.

Mr. Flint stated Mrs. Lambert did take a petition document around to the neighbors, relating the proposed changes and asking if the neighbors would be fine with this. Mr. Flint read the text from this document and stated 14 neighbors signed this document, stating that they would be fine with the proposed changes. ZBA Member Constantino asked if any of the neighbors objected to these proposed changes to which Mr. Flint stated none to his knowledge.

Mr. Flint stated the hardship is the home was originally constructed in unincorporated DuPage County, and the home met the setbacks at that time. Mr. Flint stated the home was annexed into the Village as legally non-conforming. Mr. Flint stated the porch is in bad shape which is why it needs to be redone, but they will keep the porch's foundation. Mr. Flint stated they will also address the issue of the home and garage being in a floodplain, and they do already have a permit for the stabilization of the creek, which the homeowners will be paying for themselves. Mr. Flint stated they will also meet the standards for any stormwater issues. Mr. Flint stated they cannot build to the east due to the existing creek and the floodplain.

Additional Questions from the Zoning Board of Appeals

ZBA Member Micheli asked about the placement of the floodplain. Mr. Flint stated he does not have that with him as it is not a part of the variation; however, this piece has been submitted to the Village for review. ZBA Member Micheli stated he is concerned about the random placement of bricks by the creek to stabilize it. Mr. Lambert stated the home and the creek are separate projects, and the creek project has been cleared by the IDNR, DuPage County and the Army Corps of Engineers.

Mr. Lambert stated the garage size is inadequate as it is not deep enough so that is why they want to improve the garage. Mr. Lambert stated the floodplain was changed at some point, and they cannot build to the east due to the creek which runs on a diagonal through the property.

ZBA Member Micheli asked if the entire application packet for this proposed project was taken around to the neighbors when the petition document was taken around. Ms. Lambert stated this packet was not available at that time, but they did describe the project to the neighbors. ZBA Member Micheli asked if any of the neighbors consulted a real estate attorney or a realtor about this proposed project to see what it might do to their property values. ZBA Member Micheli stated he does not like petitions as neighbors might just sign this as to not upset the petitioners.

ZBA Member Micheli asked why the garage is being expanded from a two-car garage to a four-car garage. Mr. Lambert stated there are structural problems with the existing garage, and the depth of the garage does not work for them. Mr. Lambert stated the garage is too small for their largest car, and they have a boat which is kept in the yard instead of the garage due to the garage size. Mr. Lambert stated the hardship for them is the location, and DuPage County has jurisdiction over the creek.

ZBA Member Jones asked who is responsible for maintaining the creek. Mr. Lambert stated they have taken responsibility for the creek as they have lost five to six feet of their property due to erosion, and they will be paying for the creek stabilization project. ZBA Member Jones stated in theory, the creek should be DuPage County's responsibility, but the owners are dealing with this instead.

ZBA Member Panther asked if there are any health or safety hazards created in the home from the existing addition. Mr. Lambert stated there is some mildew issues, but the home is not going to fall down. ZBA Member Panther asked if there is any flooding history due to the floodplain. Mr. Lambert stated to his knowledge, the worst issue with water only came up to the apron of the garage. ZBA Member Panther asked where they would put the addition if there was not a floodplain. Mr. Lambert stated that is hard to sort out as they have specifically only looked at this option due to the floodplain.

Mrs. Lambert stated they like the property due to the natural setting, and they do a lot of gardening. Mrs. Lambert stated they would like to be able to keep their gardening equipment and other things in the garage. Mrs. Lambert stated they did not want to do a petition document, but this was suggested by staff as they prepared for the meeting.

Persons in Favor of or in Opposition to the Variation Requests

Christine and Robert Murphy, who reside at 888 Bemis Road, were sworn in. Mr. Murphy stated they live two doors down to the east, and they are impressed with the care that the Lamberts do give their property. Mr. Murphy stated they support these proposed changes.

Mrs. Murphy stated the petitioners' home has been in decline so she is looking forward to seeing the proposed changes which will be positive for the neighborhood.

Findings of Fact

ZBA Member Panther stated that 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 10-4-9(D)1(b) - to allow the construction of a two story addition resulting in a front yard setback of 35.77 feet in lieu of the required 45 foot front yard setback to match the front yard setback of the closest adjacent structure on the street; and
2. Section 10-4-9(D)3 - to allow the construction of a new porch resulting in an interior side yard setback of 9.84 feet in lieu of the required side yard setback of 17.79 feet; and

3. 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 an interior lot, located in the R2B Zoning District on the north side of Bemis Road at the intersection of Bemis Road and Ridge Road, and the land use immediately surrounding the subject property is R2B single-family residential.

ZBA Member Panther stated Village records indicate that there were no prior variations granted for this property.

ZBA Member Panther stated the property was originally developed in unincorporated DuPage County and was annexed into the Village in 2014 as legally non-conforming. ZBA Member Panther stated the home is non-conforming to the side yard setback on the west side of the property with a setback of 9.84 feet in lieu of the required 17.79 feet and also non-conforming to the front yard setback with a setback of 35.77 feet which would be Code compliant except that the closest adjacent principal structure on the street has a setback of 45 feet.

ZBA Member Panther stated Martha and Lance Lambert would like to demolish the eastern addition on their home which they have suggested was poorly constructed. ZBA Member Panther stated in place of the existing two-car garage (below grade) and master suite (on the ground floor of the home), the Lamberts would like to construct a four-car garage on the lower level and a master suite with a sunroom on the second story. ZBA Member Panther stated they also would like to reconstruct the front porch on the west side of the house.

ZBA Member Panther stated they heard from the project architect, Mr. Stephen Flint, who indicated they are proposing to reconstruct a poorly constructed addition, and this would not further create a non-conformity, but merely extend the existing non-conformity. ZBA Member Panther stated Mr. Flint indicated the petitioners will keep the same setbacks of the property. ZBA Member Panther stated Mr. Flint presented a petition for this proposal signed by the neighbors of the petitioners, and the petition shows many neighbors are fine with these changes. ZBA Member Panther stated they have been working with Village's engineering staff and DuPage County stormwater staff to address the floodplain and creek restoration issues on the property.

ZBA Member Panther stated they heard from petitioner Lance Lambert who indicated they have received a permit from the Village and have reviewed the creek stabilization with the Village's stormwater staff, the Army Corps of Engineers and DuPage County's stormwater staff.

ZBA Member Panther stated the creek stabilization which will be coordinated and receive some of the demolition materials from the front of the property.

ZBA Member Panther stated they are using the current revised DuPage County floodplain map which have not yet been approved by FEMA. ZBA Member Panther stated no flooding history has been recorded for the garage and basement of the property.

ZBA Member Panther stated they heard from petitioner Martha Lambert who indicated the goal is to restore an existing structure in town and maintain existing vegetation on the property.

ZBA Member Panther stated the ZBA heard from Christine and Robert Murphy, of 888 Bemis Road, that they do support the project.

Motion

ZBA Member Micheli moved, seconded by ZBA Member Whalls, 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 Whalls stated there are pre-existing conditions with the property, including the boundaries on the south and the west. ZBA Member Whalls stated the garage seems a bit big, but it does fall within the Lot Coverage Ratio (LCR). ZBA Member Whalls stated there is no infringement on the east boundary of the property line, and he does support the project.

ZBA Member Micheli stated he has no issues with this project. ZBA Member Micheli with the LCR being near 8%, this is a testament to the smallness of this request.

ZBA Member Jones stated he is supportive of this project. ZBA Member Jones stated it seems odd that you can build a home about ten times as big on the lot, but you cannot build the home anywhere on the lot due to the creek.

ZBA Student Member Greenleaf stated she is in favor of the project. ZBA Student Member Greenleaf stated the lot is strange because of the creek as you cannot build anywhere. ZBA Student Member Greenleaf stated when she looked at the property, she did see the boat was not sitting in the most ideal location.

ZBA Member Panther stated he is in support of this project. ZBA Member Panther stated there is a hardship due to the floodplain, and no practical alternatives for the construction of the project. ZBA Member Panther stated he was concerned about flooding due to the floodplain, but his questions on this possible issue were answered.

Chairperson Constantino stated he is also in support of the petition of the variations. Chairperson Constantino stated there is a hardship due to the location of the creek on the property, and the petitioners cannot construct to the east and north. Chairperson Constantino stated the lot originally complied with DuPage County's zoning ordinance when constructed and became a legally non-conforming structure when annexed into the Village. Chairperson Constantino stated they are addressing health and safety issues and will be in keeping with the central character of the neighborhood. Chairperson Constantino stated this work will not adversely affect adjoining properties.

Motion

A motion was made by ZBA Member Micheli and seconded by ZBA Member Jones to close the public hearing for 864 Bemis Road at 7:46 p.m.

The motion carried unanimously with a voice vote.

A motion was made by ZBA Member Micheli and seconded by ZBA Member Panther that the Zoning Board of Approvals recommend approval of the variances as requested by petitioners Martha and Lance Lambert to allow a two-story addition and the reconstruction of the front porch on a non-conforming structure at 864 Bemis Road. The Zoning Board of Appeals hereby adopts the Findings of Fact in the petitioners' application packet and presented at the June 12, 2018 public hearing at the Glen Ellyn Zoning Board of Appeals as well as the findings included in the deliberations of the Zoning Board of Appeals. The Zoning Board of Appeals recommends approval of the variances due to hardship on the use of lot due to the unique circumstances of the floodplain which pushes the less than 8% of requested structure area to a sub-corner of the lot, and this home will be kept in the character of the neighborhood.

The recommended variances are as follows:

1. Section 10-4-9(D)1(b) - to allow the construction of a two story addition resulting in a front yard setback of 35.77 feet in lieu of the required 45 foot front yard setback to match the front yard setback of the closest adjacent structure on the street; and
2. Section 10-4-9(D)3 - to allow the construction of a new porch resulting in an interior side yard setback of 9.84 feet in lieu of the required side yard setback of 17.79 feet; and

3. 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 five (5) "yes" votes as follows: ZBA Members Jones, Micheli, Panther and Whalls 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 at an upcoming Village Board Meeting.

Village Board Trustee Report

Village Board Trustee Senak stated plans for the Giesche property have been submitted. Trustee Senak stated he feels the Giesche property and the proposed parking garage behind the Civic Center should be projects looked at together. Trustee Senak asked for the ZBA Members' thoughts on the possible Giesche property, and there was a discussion regarding this.

Staff Report

Associate Planner Purvis stated there are no applications pending at this time.

There was a discussion about items discussed at the ZBA and then the Village Board Meeting.

Adjournment

At 8:06 p.m., a motion was made by ZBA Member Micheli and seconded by ZBA Member Jones to adjourn the meeting. The motion carried unanimously by a voice vote.

Respectfully submitted,

Debbie Solomon
Recording Secretary

Reviewed by,

Kelly Purvis
Planner