



Agenda
Village of Glen Ellyn
Zoning Board of Appeals
Regular Meeting
Tuesday, January 22, 2019
7:00 PM
Village Links

Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting or facilities, are requested to contact the Village at least 24 hours before the meeting.

A. Call to Order

B. Approval of Draft Minutes from December 11, 2018 ZBA Meeting

1. December 11, 2018 Zoning Board of Appeals Draft Meeting Minutes

C. Agenda Item - 787 Crescent Boulevard

1. Continued Public Hearing – to consider a Construction Necessitated Zoning Variation to allow a walkway and a patio to remain closer to the lot line than is permitted by Code at 787 Crescent Boulevard.

D. Village Board Trustee Report

E. Staff Report

1. Next scheduled ZBA meeting(s)

F. Adjournment

G. Agenda Items

This note provides you with information regarding what happens to a petition after it has appeared before the Zoning Board of Appeals. After the Board makes a recommendation on a petition, a report of the meeting is prepared. Then, the petition, along with the summary report and all pertinent material, is scheduled for consideration by the Village Board. The Village Board meets on the second and fourth Mondays of each month at 7:00 p.m. in a meeting room on the third floor of the Civic Center, 535 Duane Street. Questions regarding petitions scheduled for review by the Village Board should be directed to the Planning and Development Department at (630) 547-5250.



Zoning Board of Appeals
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 01/22/19 07:00 PM
Department: Zoning Board of Appeals
Department Head: Kelly Purvis
Category: Minutes
Prepared By: Kelly Purvis

SCHEDULED

AGENDA ITEM (ID # 3783)

DOC ID: 3783

December 11, 2018 Zoning Board of Appeals Draft Meeting Minutes

ATTACHMENTS:

- December 11, 2018 ZBA Draft Meeting Minutes (PDF)

DRAFT MINUTES
ZONING BOARD OF APPEALS
MINUTES
DECEMBER 11, 2018

The meeting was called to order by Chairperson Greg Constantino at 7:00 p.m. ZBA Members Chip Miller, Reed Panther, Tom Whalls and ZBA Student Intern Maddie Greenleaf were present. ZBA Members Matt Jones, Steve Lucchesi and John Micheli were excused. Also present were Village Planner Kelly Purvis and Recording Secretary Debbie Solomon.

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

MINUTES

ZBA Member Panther moved, seconded by ZBA Member Whalls, to approve the minutes of the September 11, 2018 meeting. The motion carried unanimously with a voice vote.

On the agenda was a public hearing regarding the property at 1N480 Swift 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 Whalls and seconded by ZBA Member Panther to open the public hearing for 1N480 Swift Road at 7:04 p.m. The motion carried unanimously with a voice vote.

PUBLIC HEARING – 1N480 SWIFT ROAD

MINHAJ UDDIN AHMED TRUST IS REQUESTING APPROVAL FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS TO ALLOW THE CONSTRUCTION OF A FENCE AS TALL AS 9 FEET IN SOME AREAS TO BE LOCATED ON THE PROPERTY AT 1N480 SWIFT ROAD: 1. SECTION 10-5-5(B)4: FENCE - TO ALLOW THE CONSTRUCTION OF A FENCE AT A MAXIMUM HEIGHT OF 9 FEET ALONG THE REAR LOT LINE AND EXTENDING 100 FEET ALONG THE INTERIOR SIDE LOT LINES EASTERLY; THE FENCE WILL CONTINUE AT 8 FEET IN HEIGHT FOR APPROXIMATELY 65.5 FEET ALONG THE NORTH PROPERTY LINE AND APPROXIMATELY 214.8 FEET ALONG THE SOUTH LOT LINE. APPROXIMATELY 24.6 FEET OF FENCE WILL BE 8 FEET IN HEIGHT FROM THE SOUTHEAST CORNER OF THE PRINCIPAL STRUCTURE TO THE SOUTH LOT LINE. THE REMAINDER OF THE FENCE WILL BE COMPLIANT WITH THE ZONING CODE. THE PERMITTED HEIGHT FOR A FENCE, NO CLOSER TO THE STREET THAN THE PRINCIPAL STRUCTURE IS 6 FEET.

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.

(Minhaj Uddin Ahmed Trust, owner of the property at 1N480 Swift Road)

All parties who wished to speak at this public hearing were sworn in.

Staff Presentation

Village Planner Kelly Purvis was present to speak regarding the proposed variation request and was sworn in. Village Planner Purvis stated petitioner Minhaj Uddin Ahmed Trust is the owner of the property at 1N480 Swift Road.

Village Planner Purvis stated the petitioner is proposing variations from the Glen Ellyn Zoning Code to allow a second driveway approach as follows:

1. Section 10-5-5(B)4: Fence - to allow the construction of a fence at a maximum height of 9 feet along the rear lot line and extending 100 feet along the interior side lot lines easterly; the fence will continue at 8 feet in height for approximately 65.5 feet along the north property line and approximately 214.8 feet along the south lot line. Approximately 24.6 feet of fence will be 8 feet in height from the southeast corner of the principal structure to the south lot line. The remainder of the fence will be compliant with the Zoning Code. The permitted height for a fence, no closer to the street than the principal structure is 6 feet; and
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.

Village Planner Purvis stated that the subject property is located on the west side of Swift Road between St. Charles Road and North Avenue (just north of the Georgetown by the River condominium development) in the R4 Single Family zoning district in unincorporated DuPage County. Village Planner Purvis stated the land use immediately surrounding the subject property is largely comprised of unincorporated multi-family residential, with one single-family residential property to the north of it.

Village Planner Purvis stated notice of the public hearing was published in the November 26, 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 the property is currently located in unincorporated DuPage County, and the Village does not have a record of any building permits for the property. Village Planner Purvis stated the Village does not have a record of any previous variations for the property since it is located in unincorporated DuPage County currently.

Village Planner Purvis showed an overview map of the property and stated the Village staff have been negotiating an annexation agreement with the property owner of 1N480 Swift Road for the better part of a year. Village Planner Purvis stated the Village has annexation agreements in place with the single family property as well as the two townhome developments (68 units) to the north of the subject site, and it is anticipated that all of the properties will be annexed into the Village in the early part of 2019.

Village Planner Purvis stated Mr. Ahmed has been constructing the single family home on the lot through a building permit issued by the County and will likely finish that process with the County prior to annexing to the Village. Village Planner Purvis stated he has requested as part of the negotiation of his annexation agreement that the Village grant a fence height variation that would allow him to construct a fence that would provide a buffer between his new single family home and the multi-family developments surrounding his property. Village Planner Purvis stated upon annexation, his property will be zoned R2 as the construction of his home meets the requirements of the Village's R2 zoning district otherwise. Village Planner Purvis stated the petitioner is proposing to construct a 9 foot fence along the rear (west) property line, which abuts a large apartment complex (8 buildings, 3 stories tall plus parking lots and dumpsters). Village Planner Purvis stated the fence will continue to be 9 feet for approximately 100 feet easterly along the north and south property lines. Village Planner Purvis stated the fence height will be reduced to 8 feet along the remainder of the south lot line (adjacent to the garages for the Georgetown by the River condominium development). Village Planner Purvis stated the fence will step down in height to 8 feet for 65.5 feet along the north lot line and then will step down in height again to a code compliant 6 feet where it abuts the single-family home to the north.

Village Planner Purvis stated the petitioner has suggested that a grade drop of about 14 feet from the front to the rear of the property intensifies the appearance of the height of the westerly apartment development. Village Planner Purvis stated as part of the variation application, the petitioner has provided a narrative statement which further details the conditions surrounding the site. Village Planner Purvis stated while the application requests a variation for a basketball hoop as well, there is not a need for this variation request as the Village Board approved a Zoning Code text amendment eliminating regulations for basketball hoops earlier this year.

Questions from the Zoning Board of Appeals

ZBA Member Panther asked why the variance is not being done through DuPage County. Village Planner Purvis stated this variance is a part of the annexation negotiation as the fence will be built after the annexation. ZBA Member Panther asked what the maximum height of a fence is for DuPage County. Attorney for the petitioner, Mark Daniel, stated it is 6 feet.

ZBA Member Whalls asked to see a bigger picture of the overview map and asked where the fence will go on the west side. Mr. Daniel stated they have not retained a fence contractor as of yet, but they would definitely spot the roots and such. ZBA Member Whalls asked if the trees are on the property or the apartment complex property to the west. Mr. Daniel stated most of the foliage is on the apartment complex property as the fence will end up east of this foliage.

Petitioners' Presentation

Mark Daniel, attorney with Daniel Law Office in Oakbrook Terrace, Illinois, stated there still are some standards to meet for the annexation negotiation. Mr. Daniel stated the relief to be granted will not alter the character of the neighborhood. Mr. Daniel stated they are trying to maintain a 6 foot fence as much as they can around the property. Mr. Daniel stated the back of the property lot line abuts the apartment complex's parking lot where people park, where the dumpsters are located and where deliveries will happen. Mr. Daniel stated this will be noisy so the petitioner is requesting a higher fence here to buffer some of the noise as well as have more privacy. Mr. Daniel stated on the south property line are the garages for the Georgetown townhomes, and again, the petitioner is requesting a higher fence to buffer the noise and have more privacy. Mr. Daniel stated the annexation negotiation is driving the request for the variance now. Mr. Daniel stated if a 6 foot fence was done, this would leave the owner of the home in plain view of the apartment complex and the townhomes. Mr. Daniel stated there is hearsay that there is often police activity behind the property so a 9 foot fence here would help keep this to a minimum.

Mr. Daniel stated they cannot screen with a regulatory fence height as this is a single-family home that will not develop into a multi-family use in an area that is loaded with multi-family use. Mr. Daniel stated there is also a 14 foot drop in grade from the front to the rear of the property, from east to west. Mr. Daniel stated the fence would be installed in spring or summer of 2019 so they can first see the shrubs after they grown some. Mr. Daniel stated it is too costly to stage construction and then do the annexation which should possibly go through in February 2019.

Additional Questions from the Zoning Board of Appeals

ZBA Member Panther asked about the top of the fence going across. Mr. Daniel stated on the rear property line, the fence will be 9 feet tall and go straight across. Mr. Daniel stated on the north and south property lines, this will not exceed the lot lines.

ZBA Member Whalls asked if they would be using staggered fencing panels. Mr. Daniel stated if they do a wood fence, the slats would be next to each other, but if they do a vinyl fence, it would have the appearance of wood with slats. Mr. Daniel stated the proposed fence would be white or a wood tone in color.

ZBA Member Miller asked the purpose of the fence being 8 feet on the southeast corner of the property facing Swift Road. Mr. Daniel stated they could possibly take this down to 6 feet as they were doing 8 feet as the fence does need to taper down somewhere.

Persons in Favor of or in Opposition to the Variation Requests

None

Findings of Fact

ZBA Member Panther stated that petitioner Minhaj Uddin Ahmed Trust, owner of the property at 1N480 Swift Road, is requesting the construction of a fence at a maximum height of 9 feet along the rear lot line and extending 100 feet along the interior side lot lines easterly; the fence will continue at 8 feet in height for approximately 65.5 feet along the north property line and approximately 214.8 feet along the south lot line. ZBA Member Panther stated approximately 24.6 feet of fence will be 8 feet in height from the southeast corner of the principal structure to the south lot line, and the remainder of the fence will be compliant with the zoning code. ZBA Member Panther stated the permitted height for a fence, no closer to the street than the principal structure is 6 feet.

ZBA Member Panther stated the staff is negotiating an annexation agreement with the property owner so the variance is being done through the Village and not DuPage County. ZBA Member Panther stated the building permit was issued through DuPage County. ZBA Member Panther stated the Village is also negotiating the annexation of other surrounding properties.

ZBA Member Panther stated they heard from Attorney Mark Daniel that this property is surrounded by multi-family use properties which are zoned R4 Single Family in unincorporated DuPage County. ZBA Member Panther stated the property will likely be zoned R2 when it is annexed into the Village.

ZBA Member Panther stated there are an apartment complex parking lot with dumpsters and storage and townhome garages are adjacent to this property. ZBA Member Panther stated the property does have a 14 foot drop from east to west.

ZBA Member Panther stated no fence contractor has been retained as of yet so they are not sure where the fence will be, but the property owner would like to keep as much of the trees and foliage as possible.

ZBA Member Panther stated it is noted that there is frequent police activity on the adjacent property so the fence itself would provide a noise buffer and privacy. ZBA Member Panther stated the goal is to install the fence by summer of 2019.

Motion

ZBA Member Miller 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

Student ZBA Member Greenleaf stated she noticed the area was very noisy when she visited it. Student ZBA Member Greenleaf stated she would vote yes for this fence if she could vote.

ZBA Member Panther stated he does see the unique circumstance for this fence as the property is surrounded by multi-family housing. ZBA Member Panther stated he suggests a 6 foot fence on the front of the property line.

ZBA Member Whalls stated he concurs with ZBA Member Panther, and he would support a 6 foot fence on the front of the property as well.

ZBA Member Miller stated he agrees that the east-facing fence on the southeast corner of the property should be 6 feet. ZBA Member Miller stated he has no problems with this request.

ZBA Chairperson Constantino stated he is in favor of recommending this variance and also supports the 6 foot fence on the front of the property. ZBA Chairperson Constantino stated this fence would not alter the character of the neighborhood as there is a practical hardship as this is a single-family use surrounded by multi-family use and a topographical issue with the grade drop. ZBA Chairperson Constantino stated this fence will protect the privacy of the home and the home owners.

Motion

A motion was made by ZBA Member Panther and seconded by ZBA Member Whalls to close the public hearing for 1N480 Swift Road at 7:36 p.m.

The motion carried unanimously with a voice vote.

A motion was made by ZBA Member Miller and seconded by ZBA Member Whalls that the Zoning Board of Approvals recommend approval of the zoning variation as requested by petitioner Minhaj Uddin Ahmed Trust to allow a 9 foot fence and an 8 foot fence be constructed as depicted on the proposed site plan on the property located at 1N480 Swift Road. The Zoning Board of Appeals hereby adopts the Findings of Fact in the petitioners' application packet and presented by the petitioner at the December 11, 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 requested zoning variance from Section 10-5-5(B)4 due to the following unique circumstances of this is a single-family home surrounded by tall multi-family buildings with a lot of traffic, and there is a 14 foot change in elevation from east to west.

The recommended variances are as follows:

1. Section 10-5-5(B)4: Fence - to allow the construction of a fence at a maximum height of 9 feet along the rear lot line and extending 100 feet along the interior side lot lines easterly; the fence will continue at 8 feet in height for approximately 65.5 feet along the north property line and approximately 214.8 feet along the south lot line. Approximately 24.6 feet of fence will be 8 feet in height from the southeast corner of the principal structure to the south lot line. The remainder of the fence will be compliant with the Zoning Code. The permitted height for a fence, no closer to the street than the principal structure is 6 feet; and
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.

The recommendation is subject to the following conditions:

1. The project will be constructed in substantial conformance with the plans as submitted and the testimony presented at the December 11, 2018 public hearing of the Zoning Board of Appeals.
2. The east-facing sections of the fence on the southeast corner will be no higher than 6 feet 0 inches.

The motion carried with four (4) “yes” votes. The “yes” votes are as follows: ZBA Members Miller, Panther, Whalls and Chairperson Constantino.

Chairperson Constantino stated the ZBA has voted to recommend approval, and this should come before the Village Board at a January 2019 meeting.

On the agenda was a public hearing regarding the property at 689 Lake 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 Panther and seconded by ZBA Member Miller to open the public hearing for 689 Lake Road at 7:40 p.m. The motion carried unanimously with a voice vote.

PUBLIC HEARING – 689 LAKE ROAD

PETITIONERS DAVID AND ALLISON NEILL ARE REQUESTING APPROVAL FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS TO ALLOW THE CONSTRUCTION OF AN ADDITION OVER AN ATTACHED GARAGE THAT IS NON-CONFORMING TO THE REAR YARD SETBACK. 1. SECTION 10-8-6(B)4 TO ALLOW THE CONSTRUCTION OF A SECOND STORY ADDITION OVER AN EXISTING NON-CONFORMING ATTACHED GARAGE WHICH WILL HAVE A REAR YARD SETBACK ON 29.1 FEET IN LIEU OF THE REQUIRED 30 FEET. 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.

(David and Allison Neill, owners of the property at 689 Lake Road)

All parties who wished to speak at this public hearing were sworn in.

Staff Presentation

Village Planner Kelly Purvis was present to speak regarding the proposed variation request and was sworn in. Village Planner Purvis stated petitioners David and Allison Neill are the owners of the property at 689 Lake Road.

Village Planner Purvis stated the petitioners are proposing variations from the Glen Ellyn Zoning Code to allow the construction of an addition over an attached garage as follows:

1. Section 10-8-6(B)4 to allow the construction of a second story addition over an existing non-conforming attached garage which will have a rear yard setback of 29.1 feet in lieu of the required 30 feet; and

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.

Village Planner Purvis showed an overview map of the property and stated that the subject property is located in the R2 Zoning District on the east side of Lake Road between Oak Street and Essex Road. Village Planner Purvis stated the zoning and land use immediately surrounding the subject property is R2 single family residential and CR conservation recreation.

Village Planner Purvis stated notice of the public hearing was published in the October 26, 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 no Village records were found relating to the granting of any zoning variations for the subject property. Village Planner Purvis stated Village records indicate that the following building permits have been issued for the subject property – an Addition in 1988 and a Driveway in 2009

Village Planner Purvis stated David and Allison Neill, owners of the property at 689 Lake Road would like to construct an addition over their attached garage. Village Planner Purvis stated the garage is non-conforming to the rear yard setback, with a setback of 29.1 feet in lieu of the 40 foot setback required in the R2 zoning district. Village Planner Purvis stated the Zoning Code allows an exception for the construction of additions on non-conforming structures in Section 10-8-6(B)4 that will allow the construction of an addition above or within the perimeter of an existing structure as long as the following criteria are met:

- (a) The existing lot coverage ratio does not exceed 25 percent;
- (b) The existing front perimeter wall projects no more than 5 feet into the minimum required front yard setback for the zoning district;
- (c) The existing side perimeter walls project no more than two feet into the minimum required side yard setback for the zoning district;
- (d) The existing rear perimeter wall projects no more than 10 feet into the minimum required rear yard setback for an interior lot or no more than 15 feet for a corner lot;
- (e) That the sum of the first floor area and the second floor area not exceed the equivalent to a 40% lot coverage ratio; and
- (f) The addition or alteration is permitted in subsection (B)3 of this section.

Village Planner Purvis stated all requirements for this exception are met, except that the rear wall projects 10.9 feet into the rear yard setback, and is only permitted to project a maximum of 10 feet. Village Planner Purvis stated in order to construct the addition as proposed, the petitioners will need to be granted a zoning variation. Village Planner Purvis stated the property has an irregularly shaped rear yard that creates an irregular setback line, and if not for this irregular shape, the property owners would not need to request relief from the Zoning Code.

Questions from the Zoning Board of Appeals

ZBA Member Miller asked if there are any other lots in Glen Ellyn with an irregular shape such as this. Village Planner Purvis stated there are not many outside of this neighborhood, and the current Village code requires all lots to be rectangular.

Petitioners' Presentation

Jamie Simoneit, Principal Architect with z+o Architecture and Interiors, stated it seems that when the garage was built originally in 1972, it was built to possibly put an addition over the garage then. Mr. Simoneit stated the obvious hardship is the irregularly shaped property itself. Mr. Simoneit stated this is a very small variation request and showed a piece of board that represented what the variation request is in size.

Mrs. Neill stated they are intending to stay in the home for a great while. Mr. Neill stated he and his wife grew up in Glen Ellyn and were recently married.

Additional Questions from the Zoning Board of Appeals

ZBA Member Whalls asked why an administrative variation was not done. Village Planner Purvis stated this was considered and it was determined that the request is an exception to the Village Code, and not the actual setback requirement for which an administrative variation could not be granted.

Persons in Favor of or in Opposition to the Variation Requests

None

Findings of Fact

ZBA Member Panther stated that petitioners David and Allison Neill, owners of the property at 689 Lake Road, are requesting a variance to Section 10-8-6(B)4 of the Village Code to allow construction of a second story addition over an existing non-conforming garage with a rear yard setback of 29.1 feet in lieu of the required 30 feet.

ZBA Member Panther stated the property is located in the R2 Zoning district and is surrounded by R2 single family residential and CR conservation recreation.

ZBA Member Panther stated they heard from the property owners' architect Jamie Simoneit that the addition would be allowed per code, but the existing perimeter wall projects 10.9 feet

into the rear yard in lieu to the 10 feet allowed by code. ZBA Member Panther stated it seems the garage was set-up for a second story addition.

ZBA Member Panther stated they were showed that the variation would fit into a shopping bag. ZBA Member Panther stated the hardship is the irregular shape of the property, and the rear property line is not parallel to the street.

ZBA Member Panther stated this variation could not be processed as an administrative variation.

Motion

ZBA Member Whalls moved, seconded by ZBA Member Miller, 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

Student ZBA Member Greenleaf stated she supports this variance and would vote yes if she was to vote.

ZBA Member Panther stated he supports this due to the irregular shape of the lot.

ZBA Member Whalls stated he supports this variance.

ZBA Member Miller stated he has no problem with the variance.

ZBA Chairperson Constantino stated he has no problem with the variance as the variation would not be needed if the property had a regular shape. ZBA Chairperson Constantino stated the variance would not be detrimental to the neighborhood's characteristics.

Motion

A motion was made by ZBA Member Whalls and seconded by ZBA Member Panther to close the public hearing for 689 Lake Road at 7:53 p.m.

The motion carried unanimously with a voice vote.

A motion was made by ZBA Member Miller and seconded by ZBA Member Whalls that the Zoning Board of Approvals recommend approval of the zoning variation as requested by petitioners David and Allison Neill to allow an addition to be constructed over their existing

non-conforming attached garage for the property located at 689 Lake Road. The Zoning Board of Appeals hereby adopts the Findings of Fact in the petitioners' application packet and presented by the petitioners at the December 11, 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 requested zoning variation from Section 10-8-6(B)4 due to the following unique circumstance:

1. The home is on a very odd-shaped lot that is roughly a parallelogram with the side of the yard not perpendicular to Lake Road causing a very small corner of the perimeter wall to be out of the zoning area.

The recommended variances are as follows:

1. Section 10-8-6(B)4 to allow the construction of a second story addition over an existing non-conforming attached garage which will have a rear yard setback of 29.1 feet in lieu of the required 30 feet; and
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.

The recommendation is subject to the following conditions:

1. The project will be constructed in substantial conformance with the plans as submitted and the testimony presented at the December 11, 2018 public hearing of the Zoning Board of Appeals.

The motion carried with four (4) "yes" votes. The "yes" votes are as follows: ZBA Members Miller, Panther, Whalls and Chairperson Constantino.

Chairperson Constantino stated the ZBA has voted to recommend approval, and this should come before the Village Board at a January 2019 meeting.

On the agenda was a public hearing regarding the property at 787 Crescent Boulevard.

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 Whalls and seconded by ZBA Member Miller to open the public hearing for 787 Crescent Boulevard at 7:56 p.m. The motion carried unanimously with a voice vote.

PUBLIC HEARING – 787 Crescent Boulevard

PETITIONERS LEISHA MCCREADY AND JOHN KEEL ARE REQUESTING APPROVAL FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS TO ALLOW A WALKWAY AND A PATIO TO REMAIN CLOSER TO THE LOT LINE THAT IS PERMITTED BY CODE. 1. SECTION 10-5-4(A)4(b) TO ALLOW A PATIO TO REMAIN AT A DISTANCE OF 1.3 FEET FROM THE PROPERTY LINE IN LIEU OF OBSERVING THE SAME SETBACK REQUIRED OF THE PRINCIPAL STRUCTURE ON THE LOT, IN THIS CASE 13.6 FEET. 2. SECTION 10-5-5(C)1 TO ALLOW A WALKWAY TO REMAIN AT A DISTANCE OF 1.68 FEET FROM THE PROPERTY LINE IN LIEU OF THE REQUIRED IMPERVIOUS SURFACE SETBACK OF 6.8 FEET (5% OF THE LOT WIDTH). 3. ANY OTHER ZONING RELIEF NECESSARY TO ALLOW THE PATIO AND WALKWAY TO REMAIN WHERE THEY ARE DEPICTED ON THE PLAT OF SURVEY DATED NOVEMBER 14, 2018.

(Leisha McCready and John Keel, owners of the property at 787 Crescent Boulevard)

All parties who wished to speak at this public hearing were sworn in.

Staff Presentation

Village Planner Kelly Purvis was present to speak regarding the proposed variation request and was sworn in. Village Planner Purvis stated petitioners Leisha McCready and John Keel are the owners of the property at 787 Crescent Boulevard.

Village Planner Purvis stated the petitioners are requesting a construction necessitated variation to allow a walkway and a patio to remain closer to the lot line than is permitted by the Glen Ellyn Zoning Code.

1. Section 10-5-4(A)4(b) to allow a patio to remain at a distance of 1.3 feet from the property line in lieu of observing the same setback required of the principal structure on the lot, in this case 13.6 feet.
2. Section 10-5-5(C)1 - to allow a walkway to remain at a distance of 1.68 feet from the property line in lieu of the required impervious surface setback of 6.8 feet (5% of the lot width).
3. Any other zoning relief necessary to allow the patio and walkway to remain where they are depicted on the plat of survey dated November 14, 2018.

Village Planner Purvis showed an overview map of the property and stated that the subject property is located in the R2 Zoning District on the south side of Crescent Boulevard, between Riford Road and Plumb Tree Road. Village Planner Purvis stated the zoning and land use immediately surrounding the subject property is R2 single-family residential.

Village Planner Purvis stated notice of the public hearing was published in the November 26, 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 three variations granted by Ordinance for the property, and it would appear the 1983 and 1988 variations were granted for the same project and perhaps the variation expired prior to construction of the sunroom addition. Village Planner Purvis stated the variations are as follows:

1. 1978 – Side Yard Setback 8.92 feet for an addition on the east side of the home (connected garage to the principal structure).
2. 1983 – Side Yard Setback 4.0 feet for a sunroom addition on the west side of the home.
3. 1986 – Side Yard Setback 4.0 feet for a sunroom addition of the west side of the home.

Village Planner Purvis stated Village records indicate the following permits have been applied for on the property:

1. 1979 – Remodel
2. 1999 – Sewer Repair
3. 1989 – Sun Room Addition
4. 2013 – Re-roof
5. 2016 – Retaining Wall and Driveway

Village Planner Purvis stated the petitioners began construction on the walkway and patio on October 1, 2018, and on October 17, 2018, one of the Village's building inspectors came to the property to inform the property owners that a permit was needed for the construction of the patio and walkway. Village Planner Purvis stated the petitioners applied for the building permit on October 18, 2018 and were informed that a variation would be required for both the walkway and the patio on October 19, 2018.

Village Planner Purvis stated the property at 787 Crescent Boulevard is triangular in shape, creating a greater lot width than would be typical. Village Planner Purvis stated at the 30 foot setback line, the width of the lot is 135 feet. Village Planner Purvis stated the impervious surface setback and accessory structure setback requirement for the walkway and patio are based upon a percentage of the lot width. Village Planner Purvis stated to make matters worse, the survey that was provided to the property owners when they purchased the property in 1996 was found to be inaccurate when they had the property resurveyed as part of this process. Village Planner Purvis stated approximately 4 feet along the east side of the property actually belongs to the property owners to the east, making the property significantly more narrow on the east side of the house.

Village Planner Purvis stated prior to constructing the walkway on the east side of the property, there was a concrete walkway on the property, which is shown on the attached (inaccurate) plat of survey. Village Planner Purvis stated the walkway that was in this location would not be permitted today without a variation. Village Planner Purvis stated prior to the construction of the patio, there was a deck in this location, which would also not be permitted by today's zoning standards.

Village Planner Purvis stated the petitioners have indicated that they were unaware that a permit was needed for the construction of the patio and the walkway, and they immediately applied for the permit upon being told one was needed. Village Planner Purvis stated the petitioners have stated that they have tried without success in the past to plant ground cover on the side of the house (where the walkway is now constructed), but were unable to get anything to grow. Village Planner Purvis stated with two large dogs, the side of the house was always muddy. Village Planner Purvis stated the construction of the patio and walkway was an attempt to clean up the side and back of the house and to provide a path from the back and side doors of the home. Village Planner Purvis stated in order for the walkway and patio to remain in their existing location, the petitioners would need to be granted variations from the impervious surface setback requirements and the accessory structure setback requirements of the Zoning Code.

Village Planner Purvis stated if not granted a variation to allow the patio and walkway to remain, the petitioners would have to remove the entire walkway and patio. Village Planner Purvis stated By Code, a walkway 1.42 feet in width would be permitted and the patio would be constructed several feet west of the beginning of the patio door (which would be odd in appearance). Village Planner Purvis stated the petitioners have provided a diagram (attached) showing what a Code compliant walkway and patio would look like. Village Planner Purvis stated the petitioners have indicated that the patio and walkway reduced in this manner would not be useful and therefore would need to be removed. Village Planner Purvis stated the contractor that built walkway and patio, provided the petitioners with an approximate estimate of \$7,000 for the complete removal and disposal of the walkway and patio. Village Planner Purvis stated there would be additional cost to put sod or some other plant material in the place of the walkway and patio.

Questions from the Zoning Board of Appeals

Student ZBA Member Greenleaf asked if the patio is on the lot line. Village Planner Purvis stated there is a retaining wall on the lot line which is on the petitioners' property.

ZBA Chairperson Constantino asked if the retaining wall and walkway are fine under the code. Village Planner Purvis stated the Village's Stormwater Engineer Ray Ulrich can approve this, and

he was fine with it. Village Planner Purvis stated due to the lot being shaped as a triangle, this creates a greater lot width than would be typical, and the percent needed for setback goes up the wider a lot is. Village Planner Purvis stated with this property, 5% is required for impervious which is the largest you have to go per code.

ZBA Member Whalls asked about the incorrect plat. Village Planner Purvis stated this would have come from a licensed surveyor and the Village would have accepted it as an accurate and legal document. ZBA Member Whalls asked if the fence was on the prior survey to which Village Planner Purvis stated it is.

ZBA Member Miller asked about drainage on the walkway. Village Planner Purvis stated the Village's Stormwater Engineer stated he was good with it, but she can have Mr. Ulrich review this if need be. ZBA Member Miller asked if the petitioners would need this variance if the 4 additional feet of property was still there. Village Planner Purvis stated there would still be a variance needed, but it would be a smaller request.

Petitioners' Presentation

John Keel, co-owner of the home at 787 Crescent Boulevard, stated they are long-time Glen Ellyn residents. Mr. Keel stated there used to be a terraced wood deck in the back of the home with a concrete walkway on the side of the home. Mr. Keel stated since both of these existed when they purchased the home in 1996, they thought they were just improving on what was there, and they did not know they would need a permit.

Mr. Keel stated the hardship is that the shape of the lot creates large setbacks so they cannot do anything on the side or the rear of the property without a variance. Mr. Keel stated they did not think they needed to get a new survey.

Mr. Keel showed several overview pictures of the lot and pictures of the walkway and patio. Mr. Keel stated it has been difficult to get anything to grow on that side of the home which is why they wanted to put a walkway in which would help with drainage issues too.

Leisha McCready, co-owner of 787 Crescent Boulevard, stated they did not know they would need to deal with the setbacks issues and permit.

Additional Questions from the Zoning Board of Appeals

ZBA Member Panther asked when the deck was removed. Mr. Keel stated the wood deck was removed a while ago. Ms. McCready stated the deck posts were still there until October 2018.

ZBA Member Whalls asked how they will mow between the fence and the retaining wall. Ms. McCready stated there is no grass in that strip. ZBA Member Whalls asked what the petitioners would think if their neighbors took the fence down. Ms. McCready stated they are fine with this. ZBA Member Whalls asked about lighting being added. Mr. Keel stated there is no lighting now, and they are not looking to add any. ZBA Member Whalls asked what the retaining wall previously. Ms. McCready stated there were timbers there that were not retaining anything.

ZBA Member Miller asked if egressing the home in the rear might be difficult in an emergency to the muddy strip to which Mr. Keel stated it would be.

ZBA Member Panther asked about an under-drain along the walkway to take water away from the retaining wall. Ms. McCready stated there is no collection of water there even in heavy rains.

Village Planner Purvis stated in the Village code, it states as the width of a lot increases, the impervious setback surface of the lot increases as well. Village Planner Purvis stated that they get a lot of width due to the triangular shape of the lot.

Persons in Favor of or in Opposition to the Variation Requests

Mr. David Pearson, who resides at 791 Crescent Boulevard, stated he lives in the other home in question next door. Mr. Pearson stated they would like all structures in the neighbors' yard to be 1 foot off the property line to the west so the Pearsons can install a fence and fence posts and to keep things a bit clean and to have a bit of setback from their property. Mr. Pearson stated they did communicate this to Mr. Keel and Ms. McCready.

ZBA Chairperson Constantino asked how much setback there is currently. Mr. Pearson stated there is about 0.4 feet to the west and 0.8 feet to the north. ZBA Chairperson Constantino asked if the retaining wall encroaches on the Pearsons property. Mr. Pearson stated the driveway retaining wall does. ZBA Chairperson Constantino asked if the neighbors has sought a licensing agreement.

Duska Pearson, who resides at 791 Crescent Boulevard, stated the 4 neighbors met in June to try to come to an agreement on the installation of a possible new fence. Mrs. Pearson stated when they looked at the new survey that was done, this was the first time it was seen that the property lines from the previous survey might be wrong. Mrs. Pearson stated Ms. McCready and Mr. Keel stated their project, but the Pearson felt the property lines might be in dispute. Mrs. Pearson stated it was to their understanding that Ms. McCready and Mr. Keel would do a new survey when their project was completed. Mrs. Pearson asked whose property is being protected in this case.

ZBA Chairperson Constantino asked how far the petitioners were into the project when the Village inspector notified them about a permit. Ms. McCready stated they were about 85% complete, and they have not touched anything since then.

ZBA Member Panther asked if a permit is required for the driveway due to the impervious surface setback. Village Planner Purvis stated they would be required to have the same setback and to be 5% of the lot width.

Village Planner Purvis stated that the Village would not get involved with a property dispute among neighbors and this might need to be settled with legal counsel.

Findings of Fact

ZBA Member Panther stated that petitioners Leisha McCready and John Keel, owners of the property located at 787 Crescent Boulevard, are seeking construction necessitated variations to Sections 10-5-4(A)4(b) and 10-5-5(C)1 of the Village Code to allow a patio to remain at a distance of 1.3 feet from the property line in lieu of the required 13.6 feet and to allow a walkway to remain at a distance of 1.68 feet from the property line in lieu of the required 6.8 feet (5% of the lot width).

ZBA Member Panther stated there have been 3 variances granted for this property prior.

ZBA Member Panther stated the property is located in the R2 Zoning district and is surrounded by R2 single family residential.

ZBA Member Panther stated the petitioners had started construction when the inspector informed the petitioners a permit and a variance would be needed. ZBA Member Panther stated the hardship in this case is the side yard setbacks are based on the lot width, and the petitioners' triangular lot makes the lot function wider than a rectangular lot.

ZBA Member Panther stated the previously existing walkway and patio would not be permitted by current code, and the contractor that built the current walkway and patio estimated it could cost approximately \$7,000 for the complete removal and disposal of the walkway and patio.

ZBA Member Panther stated the Village's Stormwater Engineer does have any objections with the location of the retaining wall that has been installed.

ZBA Member Panther stated there has been some dispute around the new survey which shows there is an additional 4 feet of property on the eastern edge of the property line.

ZBA Member Panther stated they heard from the petitioners who say the shape of the lot is what is creating the hardship for them, and they did not realize a permit was needed because of the previously existing structures on the property. ZBA Member Panther stated the petitioners indicated the patio is smaller in size and scale than the deck that was there previously.

ZBA Member Panther stated the petitioners have indicated there is no collection of water even during heavy rains.

ZBA Member Panther stated they heard from David and Duska Pearson, who own the home next door. ZBA Member Panther stated the Pearsons indicated they would like to see any installed structures at least 1 foot from their property line to allow for possible construction of a fence on their property line.

ZBA Member Panther stated the Pearsons indicated in 2016, a permit was issued for 787 Crescent which does encroach onto the Pearsons' property, and there has not been a resolution between them as of yet. ZBA Member Panther stated the Pearsons did indicate the current excavation has encroached onto the Pearsons' property. ZBA Member Panther stated the Pearsons indicated in the current survey, the eastern face of the retaining wall that was installed is 0.4 feet from the Pearsons property line.

ZBA Member Panther stated the two parties indicated they met in June to discuss a new fence that was proposed to be installed, and at that point, they discovered discrepancies in the two surveys. ZBA Member Panther stated excavation in the area in question started before any sort of agreement on the two surveys had been reached.

Motion

ZBA Member Whalls moved, seconded by ZBA Member Miller, 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 there is a lot going on with this, and he has a problem since there was no permit pulled. ZBA Member Miller stated this seems to be the contractor's fault who should have made an inquiry about a possible permit. ZBA Member Miller stated he does not think he can find a way to recommend approval on this.

ZBA Member Whalls stated the ZBA has not had anything like this, and this seems to be a legal issue that needs to be settled. ZBA Member Whalls stated due to adverse possession, there seems to be nothing concrete right now.

ZBA Member Panther stated he is struggling with this as there are other factors involved. ZBA Member Panther stated he does see a possible issue due to the shape of the lot, but he thinks there needs to be resolution to the other factors before this is dealt with.

ZBA Chairperson Constantino stated all 4 ZBA Members would need to vote yes to recommend this variance, but that does not seem like it will happen. ZBA Chairperson Constantino stated they could continue this discussion to another meeting where more ZBA Members would be present to vote, or this could go to the Village Board where the petitioners would need 2/3 vote of the Village Board for approval. ZBA Chairperson Constantino stated the permit was not originally requested before the work was done, and the survey issue about the property lines might have been found then. ZBA Chairperson Constantino this 4 feet in dispute is creating issues.

ZBA Chairperson Constantino stated he feels the Pearsons have made a reasonable request to want some room to install a fence. ZBA Chairperson Constantino stated all of this will need to be resolved at some point, and adverse possession affects both sides.

ZBA Chairperson Constantino due to the open issues, he cannot vote to recommend approval on this so the petitioners do have an option to continue this public hearing to another meeting so the 4 neighbors can work on a viable solution, or the ZBA can vote now and then go to the Village Board for a vote.

Ms. McCready stated they would like the meeting continued so that they can work with the Pearsons on an appropriate solution. Ms. McCready stated they did not have a survey when they met in June.

ZBA Member Whalls stated he wants to ensure all the neighbors are taken into consideration.

Village Planner Purvis stated she will have the Village's Stormwater Engineer take another look at the property to review any possible stormwater issues.

Motion

At 9:05 p.m., a motion was made by ZBA Member Miller and seconded by ZBA Member Panther to continue the public hearing for 787 Crescent Boulevard to the January 22, 2019 ZBA Meeting.

The motion carried unanimously with a voice vote.

The motion carried with four (4) “yes” votes. The “yes” votes are as follows: ZBA Members Miller, Panther, Whalls and Chairperson Constantino.

Village Board Trustee Report

None

Staff Report

None

Adjournment

At 9:07 p.m., a motion was made by ZBA Member Whalls and seconded by ZBA Member Miller to adjourn the meeting. The motion carried unanimously by a voice vote.

Respectfully submitted,

Debbie Solomon
Recording Secretary



Zoning Board of Appeals
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 01/22/19 07:00 PM
Department: Zoning Board of Appeals
Department Head: Kelly Purvis
Category: Public Hearing
Prepared By: Kelly Purvis

SCHEDULED

AGENDA ITEM (ID # 3782)

DOC ID: 3782

Continued Public Hearing – to consider a Construction Necessitated Zoning Variation to allow a walkway and a patio to remain closer to the lot line than is permitted by Code at 787 Crescent Boulevard.

- UPDATE:** New information is bolded throughout the staff report. For those of you who were not in attendance at the December 11, 2018 ZBA meeting, please read the draft meeting minutes in the ZBA packet to ensure you are current on the issues raised regarding the variation. I have provided a brief summary below.
- PETITIONERS:** The petitioners are Leisha McCready and John Keel, owners of the property at 787 Crescent Blvd.
- REQUEST:** The property owners are requesting approval of construction necessitated variations from the Glen Ellyn Zoning Code as follows:
1. Section 10-5-4(A)4(b) to allow a patio to remain at a distance of 1.3 feet from the property line in lieu of observing the same setback required of the principal structure on the lot, in this case 13.6 feet.
 2. Section 10-5-5(C)1 - to allow a walkway to remain at a distance of 1.68 feet from the property line in lieu of the required impervious surface setback of 6.8 feet (5% of the lot width).
 3. Any other zoning relief necessary to allow the patio and walkway to remain where they are depicted on the plat of survey dated November 14, 2018.
- ZONING/ USE:** The property is an interior lot located in the R2 Zoning District on the south side of Crescent Boulevard, between Riford Road and Plumb Tree Road. The zoning and land use immediately surrounding the subject property is R2 single-family residential.
- PUBLIC NOTICE:** Notice of the public hearing was published in the November 26, 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.
- ZONING HISTORY:** Village records indicate that there were three variations granted by Ordinance for the property. It would appear that the 1983 and 1988

variations were granted for the same project and perhaps the variation expired prior to construction of the sunroom addition.

Year	Ord. No.	Variation Granted
1978	2416	Side Yard Setback 8.92 feet for an addition on the east side of the home (connected garage to the principal structure).
the 1983	2958	Side Yard Setback 4 feet for a sunroom addition on the west side of the home.
1988	3568	Side Yard Setback 4 feet for sunroom addition on the west side of the home.

PERMIT HISTORY:

Village records indicate the following permits have been applied for on the property:

Year	Permit No.	Project Type
1979	B5752	Remodel
1999	B19159	Sewer Repair
1989	B10633	Sun Room Addition
2013	20131179	Re-roof
2016	20161940	Retaining Wall & Driveway

PROJECT BACKGROUND:

The petitioners began construction on the walkway and patio on October 1, 2018. On October 17, 2018, one of the Village's building inspectors came to the property to inform the property owners that a permit was needed for the construction of the patio and walkway. The petitioners applied for the building permit on October 18, 2018 and were informed that a variation would be required for both the walkway and the patio on October 19, 2018. **A retaining wall was also constructed as part of this project. The retaining wall does require a building permit, but does not require a variation.**

The property at 787 Crescent Boulevard is triangular in shape, creating a greater lot width than would be typical. At the 30 foot setback line, the width of the lot is 135 feet. The impervious surface setback and accessory structure setback requirement for the walkway and patio are based upon a percentage of the lot width. To make matters worse, the survey that was

provided to the property owners when they purchased the property in 1996 was found to be inaccurate when they had the property resurveyed as part of this process. Approximately 4 feet along the east side of the property actually belongs to the property owners to the east (**the Pearson's**), making the property significantly more narrow on the east side of the house.

Prior to constructing the walkway on the east side of the property, there was a concrete walkway on the property, which is shown on the attached (inaccurate) plat of survey. The walkway that was in this location would not be permitted today without a variation. Prior to the construction of the patio, there was a deck in this location, which would also not be permitted by today's zoning standards.

The petitioners have indicated that they were unaware that a permit was needed for the construction of the patio and the walkway. They immediately applied for the permit upon being told one was needed. The petitioners have stated that they have tried without success in the past to plant ground cover on the side of the house (where the walkway is now constructed), but were unable to get anything to grow. With two large dogs, the side of the house was always muddy. The construction of the patio and walkway was an attempt to clean up the side and back of the house and to provide a path from the back and side doors of the home.

In order for the walkway and patio to remain in their existing location, the petitioners would need to be granted variations from the impervious surface setback requirements and the accessory structure setback requirements of the Zoning Code.

ALTERNATIVE SOLUTION:

If not granted a variation to allow the patio and walkway to remain, the petitioners would have to remove the entire walkway and patio. By Code, a walkway 1.42 feet in width would be permitted and the patio would be constructed several feet west of the beginning of the patio door (which would be odd in appearance). The petitioners have provided a diagram (attached) showing what a Code compliant walkway and patio would look like. The petitioners have indicated that the patio and walkway reduced in this manner would not be useful and therefore would need to be entirely removed. The contractor that built walkway and patio, provided the petitioners with an approximate estimate of \$7,000 for the complete removal and disposal of the walkway and patio. There would be additional

cost to put sod or some other plant material in the place of the walkway and patio.

**SUMMARY
FROM 12/11/18
MEETING**

The petitioners presented information related to the variation request providing that the shape of their lot creates a hardship. The lot is triangular in shape making the lot width very wide and with each side lot line tapering along the sides of the house to a point in the rear yard they lose a significant amount of side yard as well. As explained above, due to the wider than normal lot width, both setback requirements are larger (they are both based upon a percentage of the lot width). The petitioners also showed pictures of what would be permitted on the lot by Code and stated that neither the walkway nor patio would be useful.

The neighbors to the east of the subject property, Mr. & Mrs. Pearson, attended the public hearing as well and spoke against the granting of the variation. The Pearson's explained that a concrete retaining wall connected to the petitioners' driveway is encroaching on their property (due to the inaccurate survey, this was a Village permitted retaining wall). The Pearson's requested that the petitioners be required to move the retaining wall, patio and walkway a minimum of 1 foot from their property line.

Village staff advised that the retaining wall that was constructed as part of this project is not encroaching on the Pearson's property and the location of the retaining wall does not require a variation. The retaining wall constructed as part of the 2016 driveway project is encroaching on the Pearson's property but was permitted by the Village (again, due to the inaccurate survey).

Since the neighbors were opposed and the ZBA felt they were directly impacted by this project, the ZBA members suggested that the neighbors try to work out an agreement amongst themselves and return for a continued public hearing in January.

The petitioners and their neighbors have come to a formal agreement, a draft of which is attached for the ZBA's review. A signed and executed copy of the agreement will be brought to the public hearing on Tuesday evening. To provide their support for the variations, the Pearson's have asked that the conditions within the

agreement be placed on the approval of the variations. The petitioners have agreed to these terms.

ZBA

ACTION: The ZBA should consider the testimony presented during the public hearing and review the written evidence presented as part of the petitioners' application packet. The ZBA should make findings of fact and determine if a practical difficulty or particular hardship exists and if the essential character of the neighborhood is maintained.

The ZBA may choose to make a recommendation to the Village Board for the approval, approval with conditions or denial of the construction necessitated variations to allow the walkway and patio to remain closer to the property lines in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code.

ATTACHMENTS:

- Petitioners' application packet
- Plat of Survey dated November 14, 2018 (as built)
- Plat of Survey (inaccurate)
- Photos - Existing Conditions
- Code Compliant Plan Diagram
- Applicable sections of Zoning Code
- Aerial photograph
- Location & Zoning Map
- 2' Contour Map
- Public Hearing Notice
- Location Map for Public Hearing Notice
- Mailing List for Public Hearing Notice
- Certificate of Publication
- **Draft Agreement**

cc: Staci Hulseberg, Director of Planning & Development
 Steve Witt, Building and Zoning Official
 Leisha McCready & John M. Keel, Property Owners

ATTACHMENTS:

- Petitioners' Application (PDF)
- Plat of Survey dated November 14, 2018 (as built) (PDF)
- Plat of Survey - Inaccurate (PDF)
- Photos - Existing Conditions (PDF)
- Code Compliant Plan (PDF)

- Applicable Sections of Code (PDF)
- Aerial View (PDF)
- Zoning & Location Map (PDF)
- 2 ft Contour Map (PDF)
- Public Notice (PDF)
- Location Map for Public Hearing Notice (PDF)
- Mailing List for Public Hearing Notice (PDF)
- Certificate of Publication (PDF)
- Draft Agreement - 787 & 791 Crescent Blvd. (PDF)

VILLAGE OF GLEN ELLYN
535 Duane Street
Glen Ellyn, Illinois 60137
(630) 547-5250

APPLICATION FOR VARIATION

CLEAR PAGE

For the property at 787 Crescent Blvd Glen Ellyn, IL 60137

Note to the Applicant: This application should be filed with, and any questions regarding it, should be directed to the Director of the Village Planning and Development Department.

You may attach separate sheets as needed to answer any of the following questions.

The undersigned hereby petitions the Village of Glen Ellyn, Illinois, for one or more variations from the Glen Ellyn Zoning Code (Ordinance No. 3617-Z, as amended), as described in this application.

I. APPLICANT INFORMATION:

(Note: The applicant must comply with Section 10-10-10(B) of the Zoning Code).

Name: Leisha M. McCreedy & John M. Keel

Address: 787 Crescent Blvd Glen Ellyn, IL 60137

Home Phone No.: 630.469.8812 Cell Phone No.: 312.545.1032

Fax No.: _____

E-mail: jmatthewkeel@gmail.com

Ownership Interest in the Property in Question:

Owners

CLEAR PAGE

II. INFORMATION REQUIRED BY SECTION 10-10-10(B) OF THE ZONING CODE, IF APPLICABLE:

NOTE: All parties, whether petitioner, agent, attorney, representative and or organization et al. must be fully disclosed by true name and address in compliance with Section 10-10-10(B) of the Zoning Code. Disclosure forms are attached for your convenience.

Name and address of the legal owner of the property (if other than the applicant):

n/a

Name and address of the person or entity for whom the applicant is acting (if the applicant is acting in a representative capacity):

n/a

Is the property in question subject to a contract or other arrangement for sale with the fee owner? (Choose "Yes" or "No")

YES ☐

NO ☒

If YES, the contract purchaser must provide a copy of the contract to the Village and must either be a co-petitioner to this application or submit the attached Affidavit of Authorization with the application packet.

Is the property in question the subject of a land trust agreement? (Choose "Yes" or "No")

YES ☐

NO ☒

If YES, (1) either the trustee must be a co-petitioner or submit the attached Affidavit of Authorization from the trustee to represent the holders of the beneficial interests in the trust and (2) the applicant must provide a trust disclosure in compliance with "An Act to Require Disclosure of All Beneficial Interests", Chapter 148, Section 71 et seq., Illinois Revised Statutes, signed by the trustee.

CLEAR PAGE

III. PROPERTY INFORMATION:Common address: 787 Crescent BlvdPermanent tax index number: 05-11-219-005

Legal description:

see plat of survey

Zoning classification: R2Lot size: _____ ft. x _____ ft. Area: 13,707 sq. ft.Present use: Residential HomeIV. INFORMATION REGARDING THE VARIATION(S) REQUESTED:

Description of the variation(s) requested (including identification of the Zoning Code provisions from which variation is sought) and proposed use(s):

Requesting relief on the impervious side yard setback requirement of 5% of the lot width for a walkway. Based on a lot width of 136', the walkway would need to be 6'10" from the property line. Code 10-5-5

Requesting relief on the side yard setback requirement of 10% of the lot width for a patio in rear of property. Based on a lot width of 136', the side yard setback for the patio would need to be 13'7" from the property line. Code 10-5-5.

Estimated date to begin construction: constructed

CLEAR PAGE

Names and addresses of any experts (e.g., planner, architect, engineer, attorney, etc.):

n/a

V. EVIDENCE RELATING TO ZONING CODE STANDARDS FOR A VARIATION:

The following items are intended to elicit information to support conclusions by the ZBA or PC and the Village Board that the required findings/standards for a variation under the Zoning Code have been established and met. Therefore, please complete these items carefully.

A. Standards Applicable to All Variations Requested:

1. Provide evidence that due to the characteristics of the property in question, there are practical difficulties or particular hardship for the applicant/owner in carrying out the strict letter of the Zoning Code:

The triangular shape presents practical difficulties due to the fact that the side yard setback is based on a lot width of 136'. Additionally, the angle of the lot creates a setback into the existing exit point via sliding glass doors. And, the two spaces would not be able to be connected:

2. a. Provide evidence that the property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the Zoning Code (i.e., without one or more variations):

n/a

OR

CLEAR PAGE

- b. Provide evidence that the plight of the applicant/owner is due to unique circumstances relating to the property in question:

We believe our property has very unique circumstances that qualifies it for the requested Variances. The shape of the lot is triangular and therefore causes greater than normal side yard setbacks in the rear of the property. There is a topographical change in the rear yard that would make it impractical to put the patio in another area.

3. Provide evidence that the requested variation(s), if granted, will not alter the essential character of the locality of the property in question:

We do not believe the walkway or patio would negatively alter the character of the property. Surrounding properties have similar patios.

- B. For the purpose of supplementing the above standards, the ZBA or PC, in making its recommendation that there are practical difficulties or particular hardships, shall also take into consideration the extent to which the evidence establishes or fails to establish the following facts favorably to the applicant:

1. Provide evidence that the particular physical surroundings, shape or topographical condition of the property in question would bring particular hardship upon the applicant/owner as distinguished from a mere inconvenience if the strict letter of the Zoning Code were to be carried out:

see attached

CLEAR PAGE

2. Provide evidence that the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district:

A majority of the lots in the area are rectangular in shape and relatively flat. Our lot being triangular and having topographical changes creates unique conditions.

3. Provide evidence that the purpose of the variation is not based exclusively upon a desire to make more money out of the property in question:

We have owned the home since 1996 and plan to stay in the home indefinitely.

4. Provide evidence that the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property in question or by the applicant,

The property was subdivided from a larger parcel into a triangular shape prior to our ownership.

5. Provide evidence that the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property in question is located.

The walkway and patio are consistent with other properties in the area.

CLEAR PAGE

6. Provide evidence that the proposed variation will not:

a. Impair an adequate supply of light and air to adjacent property;

Both the walkway and patio are on the surface and will not impair any light or air to adjacent properties.

b. Substantially increase the hazard from fire or other dangers to the property in question or adjacent property;

All of the materials are pavers and not flammable. Furthermore, the walkway and patio increase safe exit areas to/from the property in the event of a fire.

c. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village;

No.

d. Diminish or impair property values within the neighborhood;

The walkway and patio are consistent with other properties in the area.

e. Unduly increase traffic congestion in the public streets and highway;

No.

f. Create a nuisance; or

No.

CLEAR PAGE

- g. Results in an increase in public expenditures.

No.

7. Provide evidence that the variation is the minimum variation that will make possible the reasonable use of the land, building or structure.

The requested variance regarding the walkway would permit us to clean up this previously muddy space as well as allow us access to/from the rear of the property. It is a narrow space which previously had a partial concrete sidewalk and irregularly shaped limestone pavers. Heavy vegetative coverage, from above, limits the amount of light necessary to realistically grow any groundcover and/or other plant material.

The requested variance regarding the side yard setback for the patio would connect the sidewalk/outdoor patio located off our Family Room with a wall of sliding glass doors.

8. Please add any comments which may assist the commission in reviewing this application.

VI. CERTIFICATIONS, CONSENT AND SIGNATURE(S)

CLEAR PAGE

I (We) certify that all of the statements and documents submitted as part of this application are true and complete to the best of my (our) knowledge and belief.

I (We) consent to the entry in or upon the premises described in the application by any authorized official of the Village of Glen Ellyn.

I (We) certify that I (we) have carefully reviewed the Glen Ellyn Zoning Variation Request Package and applicable provisions of the Glen Ellyn Zoning Code.

I (We) consent to accept and pay the cost to publish a notice of Public Hearing as submitted on an invoice from the publishing newspaper. I (we) understand that our request will not be scheduled for a Village Board agenda until and unless this invoice is paid.

12-7-18
Date

John M. Keel
Print Name

[Signature]
Signature of Applicant

12/7/18
Date

LEISHAM McCREADY
Print Name

[Signature]
Signature of Applicant

Date

Print Name

Signature of Applicant

B1:

The unique circumstances of the property are the triangular shape of the lot, the topographical change in the rear yard and a plat of survey that was presented at closing in 1996 that showed more distance on the east side of the house than actually exists.

The patio is located outside of the family room that has sliding glass doors which access the rear yard. We constructed the patio to replace a pre-existing, multi-tier wood deck that was built prior to when the property was purchased in 1996. We believe this patio is more appropriate than the previous deck and more fitting to the area.

If the patio was constructed per the Zoning Code, the triangular shape of the lot requires setbacks that makes having a walkway of the side of the home and a patio in the rear yard very restrictive and an inability to connect the two spaces.

Walkway

The required setback for the side walk is 6 feet 10 inches. This would allow for a walkway of approximately 1.5 feet. This would make for a very narrow walkway on the side of the house and the exit door from the garage. Not only would this be very narrow, the remainder of the space would need to be filled with vegetative materials. It has been our experience that plant material has difficulty growing on that side of the house due to tree canopy, therefore we would potentially be left with mud on the side of the house which is one of the issues we were trying to remedy in the first place.

Rear Patio

The required setback for the patio is 13 feet 8 inches. This would cause two major issues with the patio. The setback would go to approximately half way through the existing sliding glass doors that are at the back of the home and then continue at an approximate 45 degree angle. Again, the remainder of the space would need to be filled with vegetative materials. This area too has been difficult to grow in and we would potentially be left with mud.

Connection of side and rear

The triangular shape of the lot creates two different setbacks for the side yard and rear yard that would not allow us to connect the side walk from the side of the home to the rear yard.

Topographical

The area where the patio is located is outside existing sliding glass doors. There is grade change to the west of the patio location that would make it challenging to move the patio to that location.

Survey

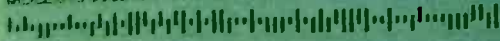
We also believe that a hardship has been created due to a plat of survey that was provided at the closing of the property in 1996. This survey showed nearly 3 feet more property on the east side of the house than we actually exists.

MAKE CHECK PAYABLE TO: DU PAGE COUNTY COLLECTOR - **SEND THIS COUPON** WITH YOUR 1ST INSTALLMENT PAYMENT OF **2017 TAX**

MAIL PAYMENT TO: P.O. BOX 4203, CAROL STREAM, IL 60197-4203

PAY ON-LINE AT: treasurer.dupageco.org
SEE REVERSE SIDE FOR ADDITIONAL INFORMATION

MOX52018 0052483 1 AY 0378 01



05-11-219-005
MCCREADY, LEISHA & J KEEL
787 CRESCENT BLVD
GLEN ELLYN IL 60137-4263

1

ON OR BEFORE: PAY:

JUNE 1, 2018 \$0.00

PAYING LATE? PAY THIS AMOUNT:

JUN 2 THRU 30	0.00
JUL 1 THRU 31	0.00
AUG 1 THRU 31	0.00
SEP 1 THRU 30	0.00
OCT 1 THRU 31	0.00
NOV 1 THRU 14	0.00

U.S. POSTMARK IS USED TO
DETERMINE LATE PENALTY.

PAYMENT OF THIS 2017 TAX
BILL AFTER OCTOBER 31, 2018,
REQUIRES A CASHIER'S CHECK,
CASH OR MONEY ORDER.

CHECK BOX AND
COMPLETE CHANGE
OF ADDRESS ON BACK

NO PAYMENT WILL BE ACCEPTED AFTER NOV. 14, 2018

ECT SETTLEMENT SOL has notified us of its intention to pay your real
Please contact them if you have any questions. This bill is sent for
only. No return envelopes have been included.

PAID DECEMBER 28, 2017

1051121900525036000000000001

MAKE CHECK PAYABLE TO: DU PAGE COUNTY COLLECTOR - **SEND THIS COUPON** WITH YOUR 2ND INSTALLMENT PAYMENT OF **2017 TAX**

MAIL PAYMENT TO: P.O. BOX 4203, CAROL STREAM, IL 60197-4203

PAY ON-LINE AT: treasurer.dupageco.org
SEE REVERSE SIDE FOR ADDITIONAL INFORMATION

05-11-219-005
MCCREADY, LEISHA & J KEEL
787 CRESCENT BLVD
GLEN ELLYN IL 60137-4263

2

ON OR BEFORE: PAY:

AUG 31, 2018 \$0.00

PAYING LATE? PAY THIS AMOUNT:

SEP 1 THRU 30	0.00
OCT 1 THRU 31	0.00
NOV 1 THRU 14	0.00

U.S. POSTMARK IS USED TO
DETERMINE LATE PENALTY.

PAYMENT OF THIS 2017 TAX
BILL AFTER OCTOBER 31, 2018,
REQUIRES A CASHIER'S CHECK,
CASH OR MONEY ORDER.

CHECK BOX AND
COMPLETE CHANGE
OF ADDRESS ON BACK

NO PAYMENT WILL BE ACCEPTED AFTER NOV. 14, 2018

igage holder will be paying your second installment,
id making a duplicate payment. Contact them if you
questions. No return envelopes have been included.

6 PAID DECEMBER 28, 2017

2051121900525036000000000002

Rate 2016	Tax 2016	Taxing District	Rate 2017	Tax 2017
		** COUNTY **		
1110	280.36	COUNTY OF DU PAGE	.1052	257.28
.0241	56.52	PENSION FUND	.0227	55.51
.0364	85.37	COUNTY HEALTH DEPT	.0340	83.15
.0133	31.19	PENSION FUND	.0130	31.79
.1417	332.37	FOREST PRESERVE DIST	.1207	295.19
.0097	22.75	PENSION FUND	.0099	24.21
.0176	41.28	DU PAGE AIRPORT AUTH	.0166	40.59
		** LOCAL **		
NO LEVY		DU PAGE WATER COMM	NO LEVY	
.0457	107.19	MILTON TOWNSHIP	.0449	109.81
.0723	169.58	MILTON TWP ROAD	.0710	173.64
.0025	5.86	PENSION FUND	.0024	5.86
.5184	1,215.95	VLG OF GLEN ELLYN	.5063	1,238.25
.3129	733.93	VLG GLEN ELLYN LIBR	.3082	753.76
.0242	56.76	PENSION FUND	.0202	49.40
.3853	903.75	GLEN ELLYN PARK DIST	.2968	725.88
.0128	30.02	PENSION FUND	.0122	29.83
.0107	25.09	GLEN ELLYN MOSQ DIST	.0106	25.92
		** EDUCATION **		
3.5300	8,279.96	GRADE SCHOOL DIST 41	3.3256	8,133.41
.0871	204.30	PENSION FUND	.0824	201.52
2.3446	5,499.49	HIGH SCHOOL DIST 87	2.2959	5,615.08
.0584	136.98	PENSION FUND	.0443	108.34
.2626	616.08	COLLEGE DU PAGE 502	.2431	594.66
8.0213	18,814.78	TOTALS	7.5860	18,553.08

Mailed to:
MCCREADY, LEISHA & J KEEL
787 CRESCENT BLVD
GLEN ELLYN IL 60137-4263

Property Location:

787 CRESCENT BLVD
GLEN ELLYN, 60137

Township Assessor:

MILTON
630-653-5220

Tax Code:

5036

Property Index Number:

05-11-219-005

CHANGE OF NAME/ADDRESS:
COUNTY CLERK 630-407-5540

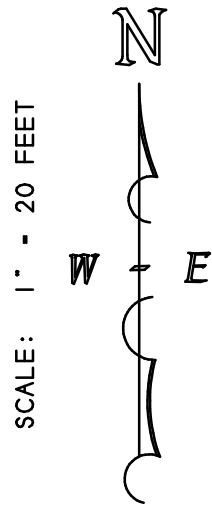
TIF Frozen Value	
Fair Cash Value	751,800
Land Value	81,020
+ Building Value	169,550
= Assessed Value	250,570
x State Multiplier	1.0000
= Equalized Value	250,570
- Residential Exemption	6,000
- Senior Exemption	
- Senior Freeze	
- Disabled Veteran	
- Disability Exemption	
- Returning Veteran Exemption	
- Home Improvement Exemption	
- Housing Abatement	
= Net Taxable Value	244,570
x Tax Rate	7.5860
= Total Tax Due	18,553.08
- Less Advance Payment	19,754.00
= Net Tax Due	-1,200.92

* S OF A FACTOR 1.0416



2017 DuPage County Real Estate Tax Bill
Gwen Henry, CPA, County Collector
421 N. County Farm Road
Wheaton, IL 60187

Office Hours - 8:00 am - 4:30 pm, Mon-Fri

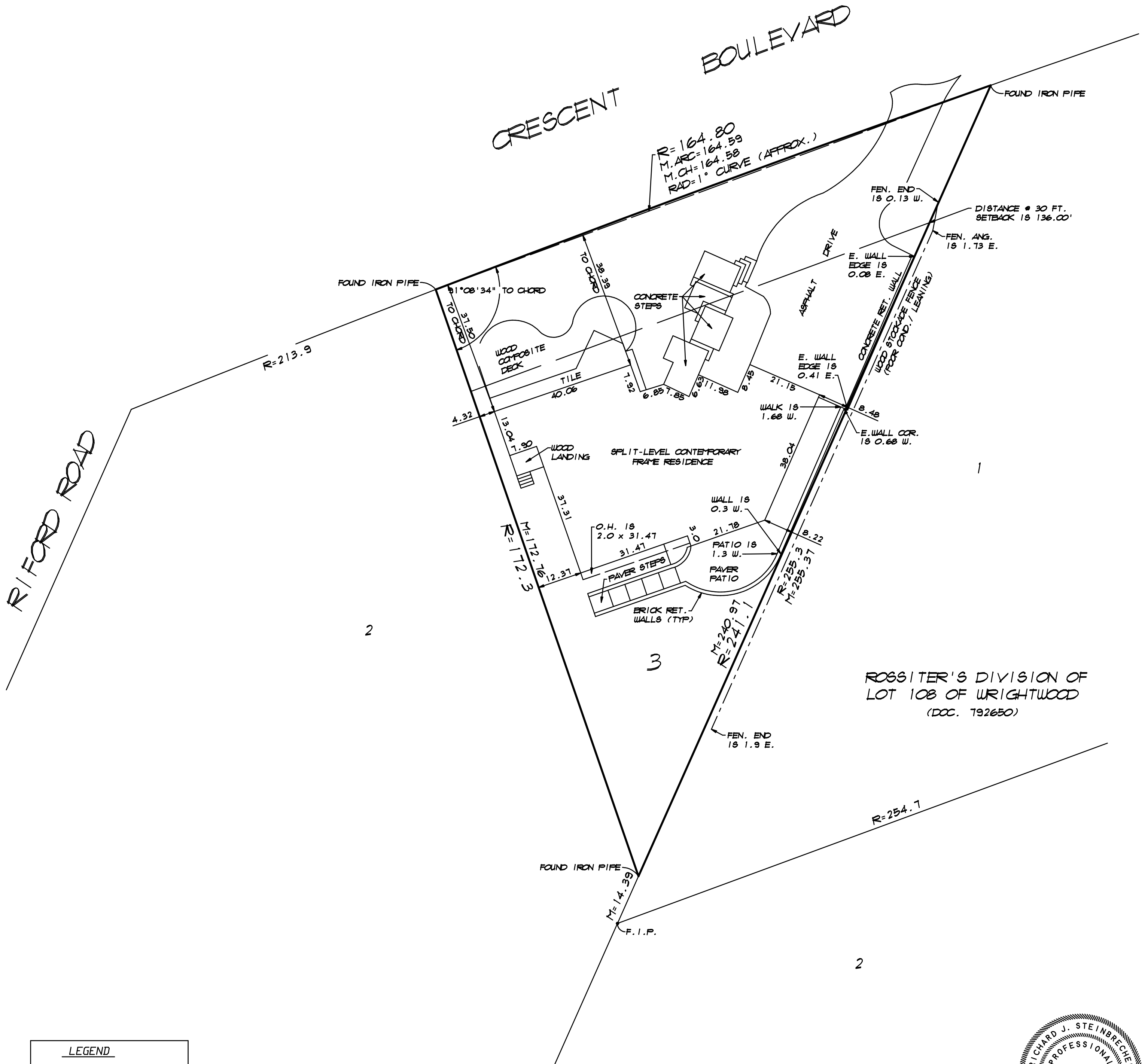


PLAT OF SURVEY

OF LOT 3 IN THE PLAT OF W.M. R. CLINES RESUBDIVISION OF PART OF LOT 1 IN H.B. BARNES SUBDIVISION, GLEN ELLYN, A SUBDIVISION OF LOTS 8 AND 11 OF COUNTY CLERK'S THIRD ASSESSMENT DIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID PLAT OF RESUBDIVISION RECORDED MARCH 15, 1949 AS DOCUMENT 564304, IN DU PAGE COUNTY, ILLINOIS.

This property is known as 787 Crescent Boulevard, Glen Ellyn, Illinois.

Prepared for Leisha McCreedy.



LEGEND	
F.I.P.	= FOUND IRON PIPE
F.I.R.	= FOUND IRON ROD
R	= RECORDED DISTANCE
M	= MEASURED DISTANCE
D	= DEED
R.O.V.	= RIGHT OF WAY
RAD.	= RADIUS
CONC.	= CONCRETE
M.H.	= MANHOLE
V.V.V.	= WATER VALVE VAULT
INV.	= INVERT
PVC	= POLYVINYL CHLORIDE PIPE
RCP	= REINFORCED CONCRETE PIPE
TC	= TOP OF CURB
EP	= EDGE OF PAVEMENT

STATE OF ILLINOIS)
COUNTY OF DUPAGE) S.S.

This is to certify that Steinbrecher Land Surveyors, Inc., Registered Professional Land Surveying Design Firm Corporation No. 184-003126, has surveyed the property shown and described hereon, which is to the best of our knowledge and belief, a correct representation thereof. This professional service conforms to the current Illinois minimum standards for a boundary survey.

West Chicago, Illinois, November 14, 2018
Revised December 3, 2018



Steinbrecher Land Surveyors, Inc.

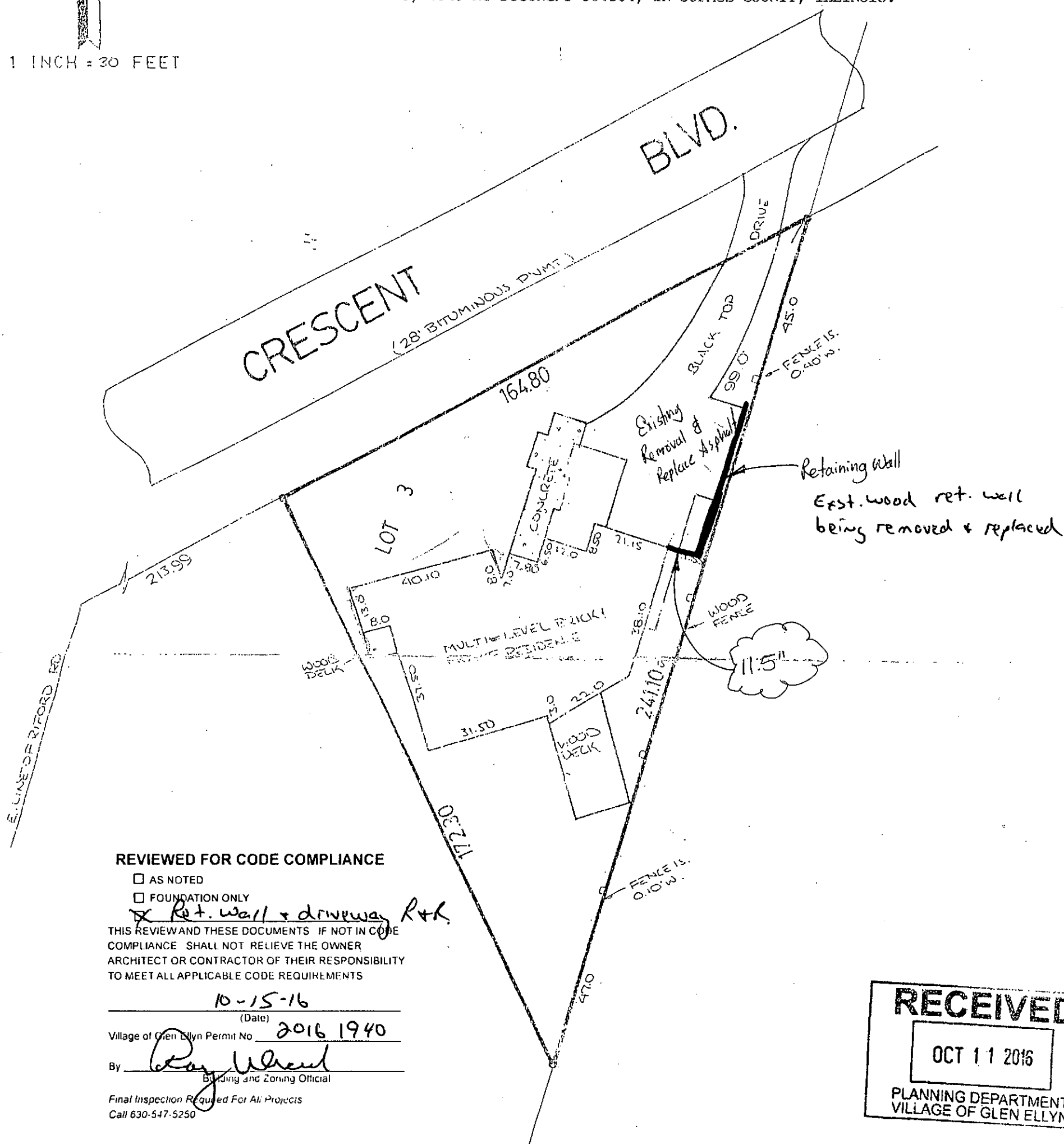
Professional Land Surveying
Design Firm Corporation No. 184-003126
141 S. Neltner Blvd., West Chicago, IL 60185-2844
(630) 293-8900 Fax 293-8902

Richard J. Steinbrecher
Professional Land Surveyor 3583
License expires Nov. 30, 2020

DD1737:787CRESC

Attachment: Plat of Survey dated November 14, 2018 (as built) (3782 : 787 Crescent Blvd. - Accessory Structure Setback & Impervious Surface Setback - CNV)

1 INCH = 30 FEET



REVIEWED FOR CODE COMPLIANCE

- ☐ AS NOTED
☐ FOUNDATION ONLY

THIS REVIEW AND THESE DOCUMENTS IF NOT IN CODE COMPLIANCE SHALL NOT RELIEVE THE OWNER ARCHITECT OR CONTRACTOR OF THEIR RESPONSIBILITY TO MEET ALL APPLICABLE CODE REQUIREMENTS

10-15-16

(Date)

Village of Glen Ellyn Permit No

2016 1940

By

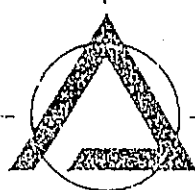
Building and Zoning Official

Final Inspection Required For All Projects
Call 630-547-5250

RECEIVED

OCT 11 2015

PLANNING DEPARTMENT
VILLAGE OF GLEN ELLYN



TRI-ANGLE
LAND SURVEYING, PC.

KENDALL COUNTY LOCATION:
12345 FOX ROAD
YORKVILLE, IL 60560
PHONE: (708) 553-2375
FAX : (708) 553-2376

DU PAGE COUNTY LOCATION:
P.O. BOX 242
WINFIELD, IL 60190
PHONE: (708) 876-0925
FAX : (708) 876-0930

ADDRESS: 787 CRESCENT BLVD.
GLEN ELLYN, IL.
SURVEYED FOR: THOMAS J. O'CONNOR
(A.A.L.)
FILE NO.: 96-7266
BOOK 86 PAGE 58

REFER TO DEED, TITLE POLICY AND LOCAL ORDINANCE FOR BUILDING RESTRICTIONS. NO MEASUREMENTS ARE TO BE ASSUMED BY SCALING.

STATE OF ILLINOIS)
COUNTY OF DU PAGE) S.S.
DAVID
BRAD STREET
WE TRIANGLE PLAND SURVEYING HEREBY CERTIFY
THAT THE ABOVE DESCRIBED PROPERTY HAS BEEN
SURVEYED UNDER THE DIRECTION OF A REGISTERED
ILLINOIS LAND SURVEYOR AND THAT THE PLAT IS
A CORRECT REPRESENTATION OF SAID SURVEY. ALL
DIMENSIONS ARE IN FEET AND DECIMAL PARTS
THEREOF, CORRECT AT 62 F.

Daniel Bruckstreet
ILLINOIS REGISTERED LAND SURVEYOR : 2787
DATE: JUNE 17, 1996



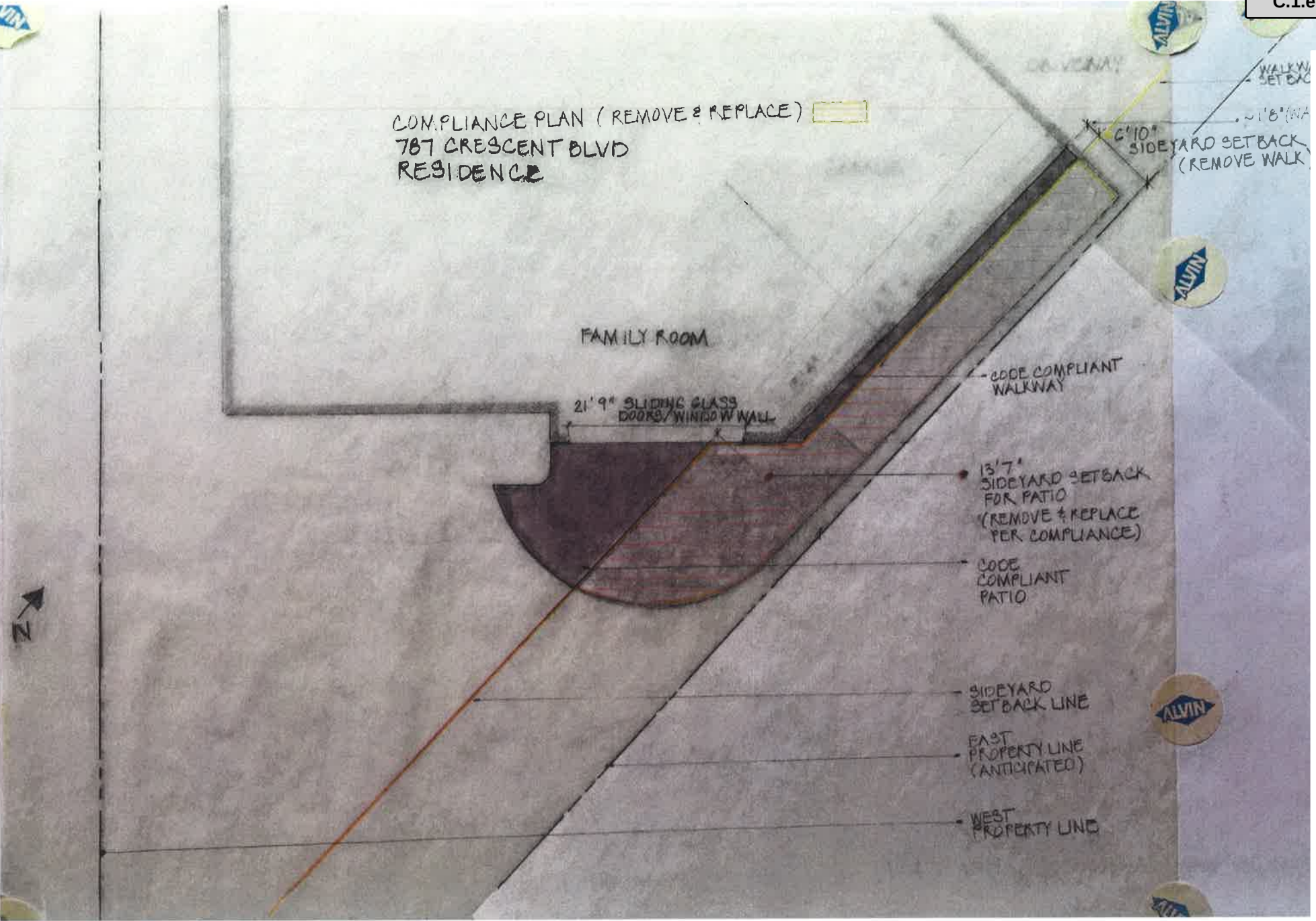
Attachment: Photos - Existing Conditions (3782 : 787 Crescent Blvd. - Accessory Structure Setback & Impervious Surface Setback - CNV)





Attachment: Photos - Existing Conditions (3782 : 787 Crescent Blvd. - Accessory Structure Setback & Impervious Surface Setback - CNV)

COMPLIANCE PLAN (REMOVE & REPLACE)
787 CRESCENT BLVD
RESIDENCE



10-5-4. - Accessory structures and uses.

(A) Accessory structure (or building):

1. **Location:** Accessory structures in required yard setbacks shall be subject to the provisions of subsection 10-5-5(B), "Permitted Obstructions In Required Yard Setbacks", of this chapter.
2. **Area:**
 - (a) The total combined area of all freestanding accessory structures on a zoning lot shall be limited to 1,000 square feet, but no more than 30 percent of a required rear yard, whichever is less. For all corner lots, the size of the rear yard shall be the area bounded by the side lot line, rear lot line, corner side lot line, and rear setback line. See Figure 15 in Section 10-11-2.
 - (b) Single-family residences constructed in the R0, R1, R2 and R3 zoning districts shall be granted an allowance of up to 100 square feet for the construction of one accessory structure with the exception of a detached garage, notwithstanding the existing lot coverage ratio provided that the total lot coverage ratio shall be no more than 25 percent for a single-family dwelling of more than one story or 35 percent for a single-family dwelling of one story. Said single accessory structure shall have a peaked roof with a ridge height of nine feet or less and be constructed so that no wall of the structure is more than 12 feet in length.
3. **Number:** The total number of accessory buildings on a zoning lot shall be limited to three, and no more than one of each type unless authorized by a special use permit.
4. **Setbacks:**
 - (a) **Location to front property line :** Accessory structures shall be located no closer to the front property line than the principal structure on the lot. On reversed corner lots, accessory structures shall observe the same setbacks as the principal structure on the zoning lot. Accessory structures located on corner lots shall be located no less than 20 feet from the corner side lot line, except in the residential estate district where all accessory structures shall be located no closer to the front or corner side yard property line than the principal structure on the lot.
 - (b) **Structures less than ten feet from principal structure :** Accessory structures less than ten feet from a principal structure shall observe the same setbacks as the principal structure on the zoning lot.
 - (c) **Structures greater than ten feet from principal structure :** Accessory structures greater than ten feet from the principal structure shall maintain a distance equal to five percent of the lot width (and no less than three feet) from the side and rear property lines, and no less than 20 feet from a corner side property line.
 - (d) **Distance between buildings:** Accessory buildings must be separated from each other by a minimum of five feet measured from wall to wall.

(B) Accessory use:

1. **Garage sale:**
 - (a) Limited to no more than two per year for each dwelling unit.
 - (b) Shall comply with all pertinent Village laws and regulations.
 - (c) Shall be limited to a period of no more than three consecutive days.

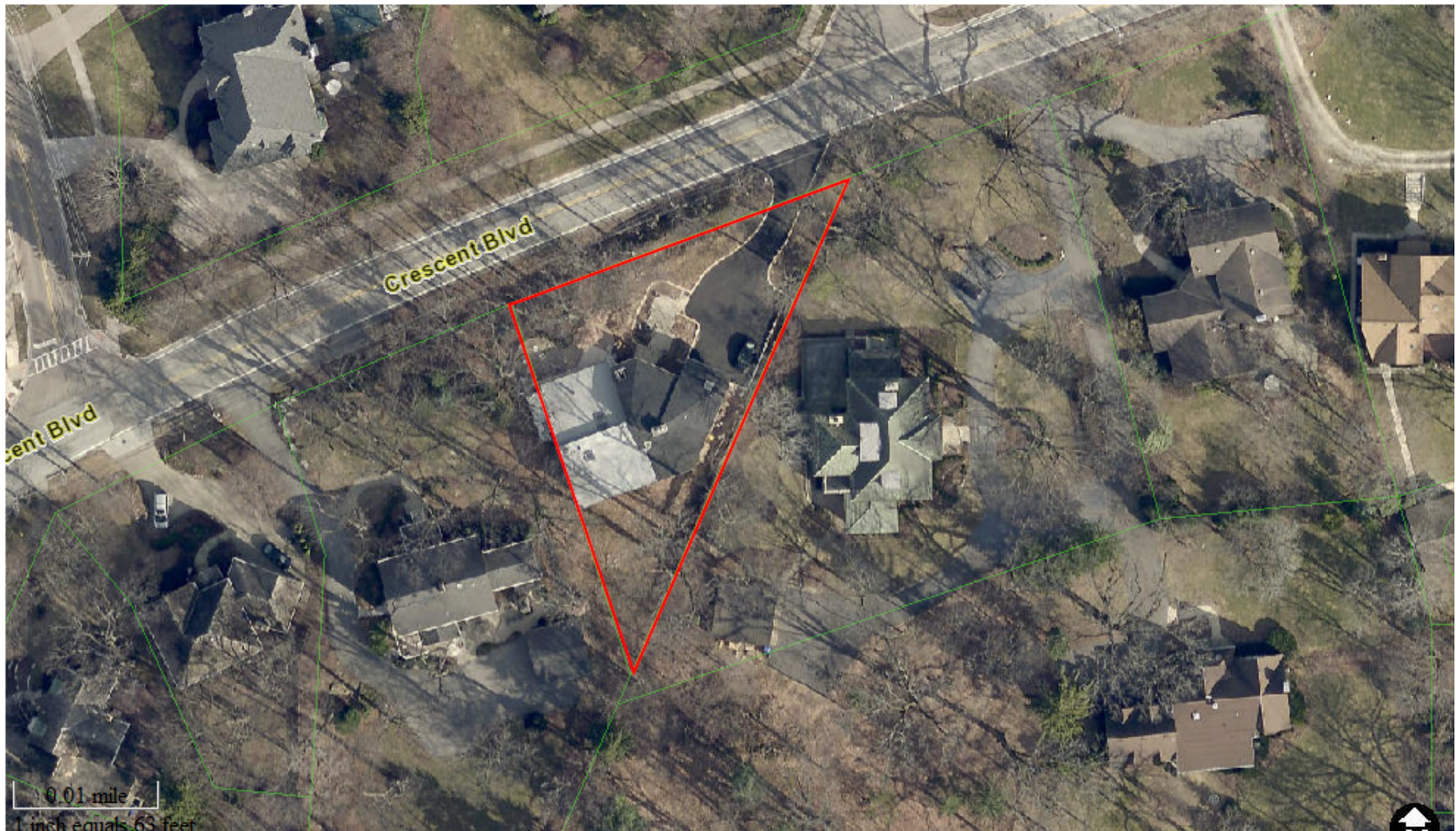
(C) Trash containers and dumpsters: All trash containers and dumpsters associated with nonresidential and multi-family uses must be enclosed in accordance with the provisions in subsection 10-5-5(B)4. of this chapter for "Wall, screen (including refuse and recycling, loading dock, and mechanical equipment)".

10-5-5. - Yards.

(C) *Impervious surfaces setback:*1. *New construction, class II and III alterations, class III additions:*

Lot Width	Distance (Between Edge Of Impervious Surface And Lot Line)
66' and less	2% of lot width
More than 66' to 90' or less	3% of lot width
More than 90' to 100' or less	4% of lot width
More than 100'	5% of lot width

787 Crescent - Aerial View



Map created on December 7, 2018.

© 2018 [GIS Consortium](#) and [MGP Inc.](#) All Rights Reserved.

The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law.

Disclaimer: This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

787 Crescent - Zoning & Location



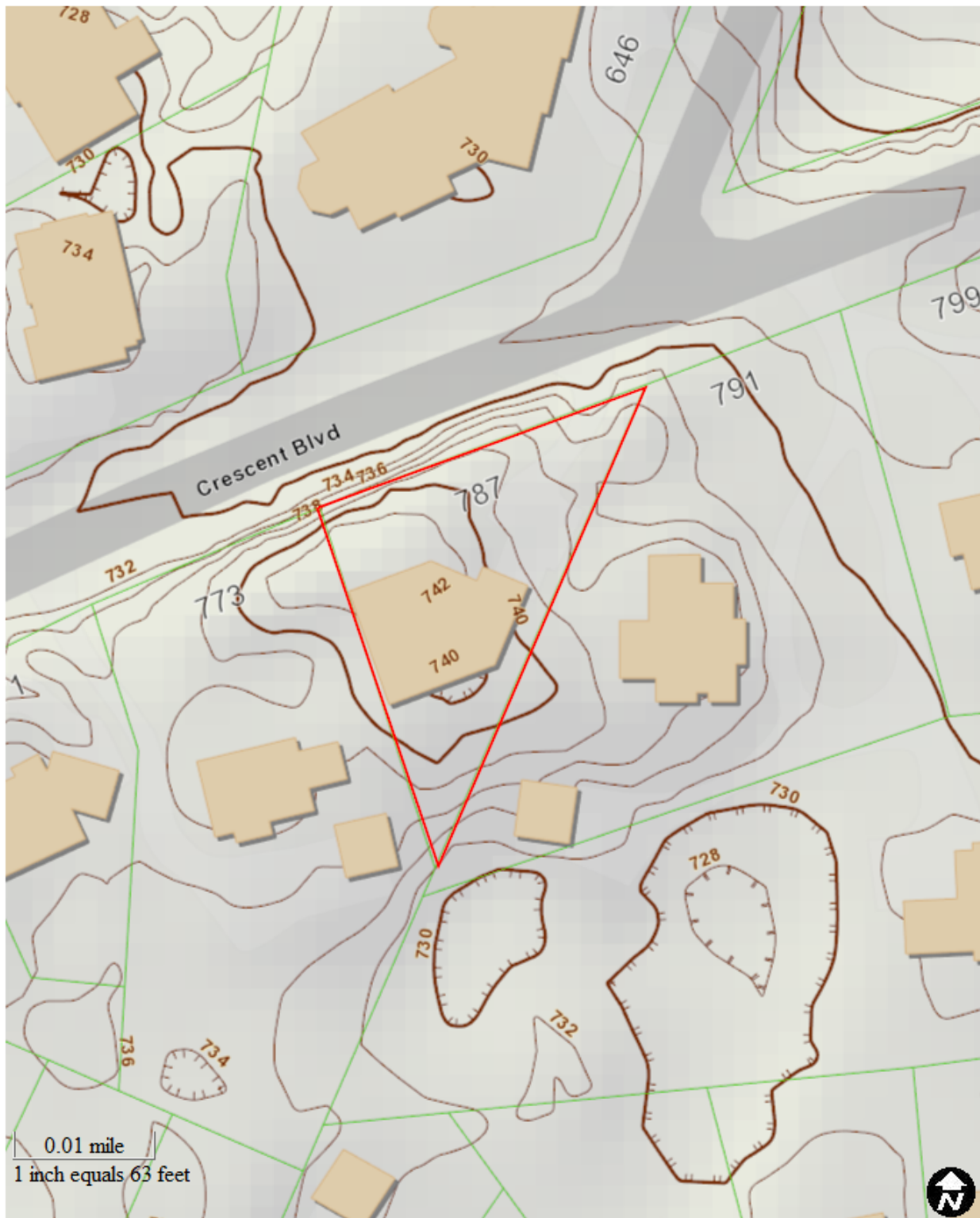
Map created on December 7, 2018.

© 2018 GIS Consortium and MGP Inc. All Rights Reserved.

The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law.

Disclaimer: This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

787 Crescent - 2 ft Contours



Map created on December 7, 2018.

© 2018 [GIS Consortium](#) and [MGP Inc.](#) All Rights Reserved.

The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law.

Disclaimer: This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.



NOTICE OF PUBLIC HEARING

Leisha McCready and John Keel, owners of the property at 787 Crescent Boulevard, are requesting a public hearing for a variation in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code. The Glen Ellyn Zoning Board of Appeals will conduct a public hearing to consider the variation on **Tuesday, December 11, 2018** at 7:00 p.m. on the third floor in the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Anyone is welcome to attend.

The property owner is requesting approval of a variation from the Glen Ellyn Zoning Code as follows:

1. Section 10-5-4(A)4(b) – to allow a constructed patio to remain less than 1 foot from the east property line in lieu of 13.5 feet.
2. 10-5-5(C)1 – to allow a constructed walkway to remain at a distance of less than 1 foot from the east property line in lieu of 6.75 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.

The subject property is located in the R2 Residential Zoning District and is legally described as follows:

OF LOT 3 IN THE PLAT OF W.M. R. CLINES RESUBDIVISION OF PART OF LOT 1 IN H. B. BARNES SUBDIVISION, GLEN ELLYN, A SUBDIVISION OF LOTS 8 AND 11 OF COUNTY CLERK'S THIRD ASSESSMENT DIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID PLAT OF RESUBDIVISION RECORDED MARCH 15, 1949 AS DOCUMENT 564304, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-11-219-005

Plans related to the proposed project are available for public review in the Planning and Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois. If you have questions, please contact Kelly Purvis at (630) 547-5371. For individuals with disabilities who have questions regarding the accessibility of the meeting or facilities, please contact the Village at least 24 hours in advance of the meeting at (630)469-5000.

X:\Plandev\BUILDING\ZBA\VARIATION BY ADDRESS\CRESCENT\787 Crescent Blvd - Imp Surface\Public Notice.doc

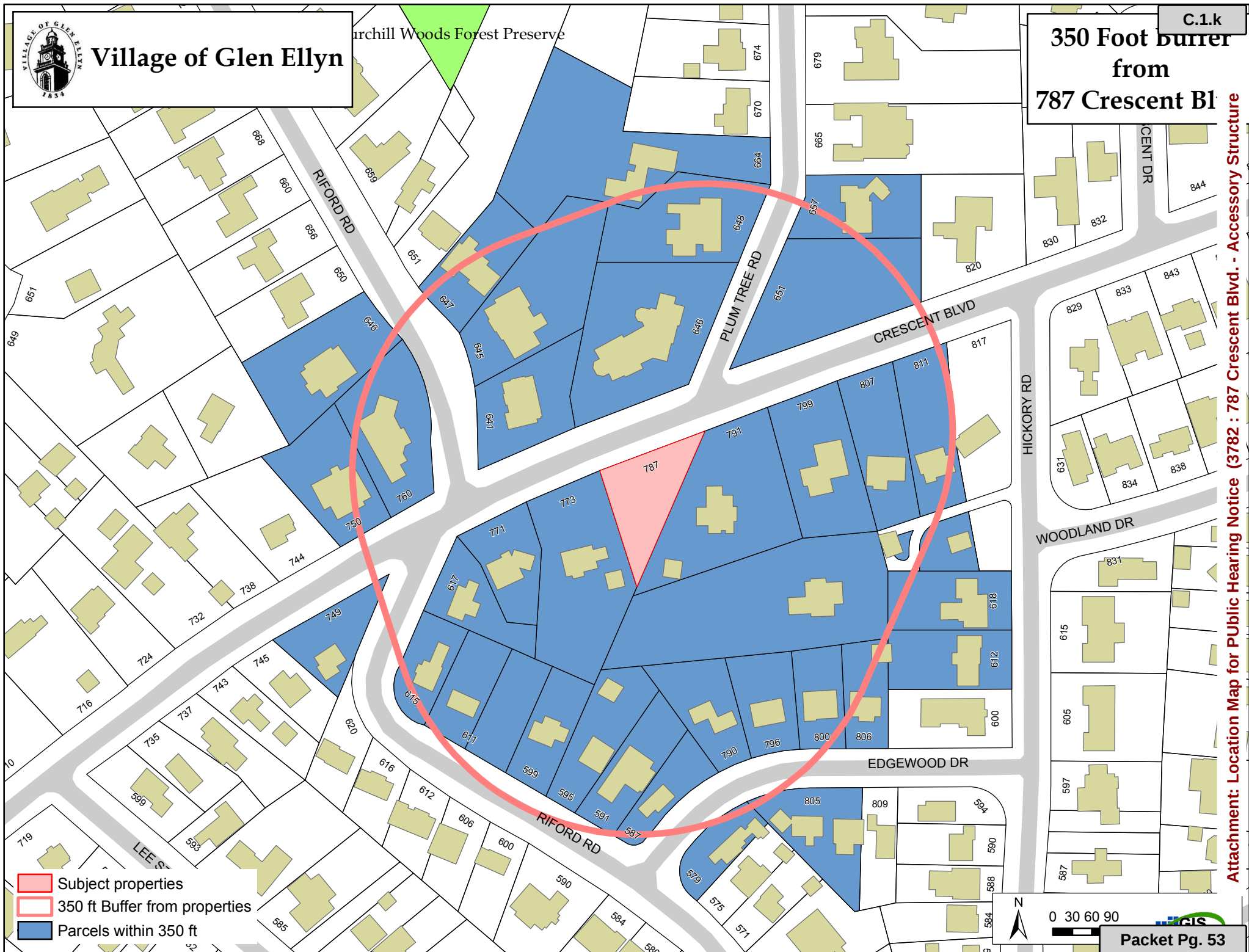


Village of Glen Ellyn

Archill Woods Forest Preserve

**350 Foot buffer
from
787 Crescent Bl**

C.1.k



REIFEL, GREGORY & LAURIE
OR CURRENT PROPERTY OWNER
617 RIFORD RD
GLEN ELLYN, IL 60137

KUZYCZ, GEORGE B & TANIA
OR CURRENT PROPERTY OWNER
795 CRESCENT BLVD
GLEN ELLYN, IL 60137

JOHNSON, DOUGLAS & BETH
OR CURRENT PROPERTY OWNER
657 PLUM TREE RD
GLEN ELLYN, IL 60137

ASCHER, STEPHEN & KAREN
OR CURRENT PROPERTY OWNER
796 EDGEWOOD DR
GLEN ELLYN, IL 60137

CLARKE, PETER & CAROLE
OR CURRENT PROPERTY OWNER
647 RIFORD RD
GLEN ELLYN, IL 60137

ROSENBERG, PAUL K & KAREN
OR CURRENT PROPERTY OWNER
641 RIFORD RD
GLEN ELLYN, IL 60137

ZIPSER, MICHAEL & PAULA
OR CURRENT PROPERTY OWNER
595 RIFORD RD
GLEN ELLYN, IL 60137

MC ELVAIN, PETER & CAROL
OR CURRENT PROPERTY OWNER
587 RIFORD RD
GLEN ELLYN, IL 60137

FORD, ERIK G
OR CURRENT PROPERTY OWNER
771 CRESENT BLVD
GLEN ELLYN, IL 60137

GUNN, STUART & LYNNE
OR CURRENT PROPERTY OWNER
591 RIFORD RD
GLEN ELLYN, IL 60137

JONKHEER JR, PERRY & IMA
OR CURRENT PROPERTY OWNER
806 EDGEWOOD DR
GLEN ELLYN, IL 60137

RITE WAY CUSTOM HOMES LLC
OR CURRENT PROPERTY OWNER
640 DUANE ST 2ND FL
GLEN ELLYN, IL 60137

SCOTTINO, THOMAS & RITA
OR CURRENT PROPERTY OWNER
811 CRESCENT BLVD
GLEN ELLYN, IL 60137

CLARKE, PETER & CAROLE
OR CURRENT PROPERTY OWNER
647 RIFORD RD
GLEN ELLYN, IL 60137

MCCREADY, LEISHA & J KEEL
OR CURRENT PROPERTY OWNER
787 CRESCENT BLVD
GLEN ELLYN, IL 60137

BRENNAN, ANDREW & BRIDGET
OR CURRENT PROPERTY OWNER
749 CRESCENT BLVD
GLEN ELLYN, IL 60137

KALFAS, DIANA
OR CURRENT PROPERTY OWNER
599 RIFORD RD
GLEN ELLYN, IL 60137

CONSTANTINE JAMES & CAROL
OR CURRENT PROPERTY OWNER
807 CRESCENT BLVD
GLEN ELLYN, IL 60137

GREEN, MARY ELLEN
OR CURRENT PROPERTY OWNER
646 RIFORD RD
GLEN ELLYN, IL 60137

ITASCA BANK & TRUST
OR CURRENT PROPERTY OWNER
308 W IRVING PARK RD
ITASCA, IL 60143

DEMURO, EUGENE & P
OR CURRENT PROPERTY OWNER
799 CRESCENT BLVD
GLEN ELLYN, IL 60137

ZINDLER, ALAN & CAROL
OR CURRENT PROPERTY OWNER
615 RIFORD RD
GLEN ELLYN, IL 60137

WEAVER, JACOB & PATRICIA
OR CURRENT PROPERTY OWNER
773 CRESCENT BLVD
GLEN ELLYN, IL 60137

WANNEMAKER, JOSEPH & H
OR CURRENT PROPERTY OWNER
790 EDGEWOOD DR
GLEN ELLYN, IL 60137

PETERSON, PAUL & MICHELLE
OR CURRENT PROPERTY OWNER
579 RIFORD RD
GLEN ELLYN, IL 60137

KEMP, EDWIN & DAWN
OR CURRENT PROPERTY OWNER
611 RIFORD RD
GLEN ELLYN, IL 60137

PEARSON, SCOTT & DUSKA
OR CURRENT PROPERTY OWNER
791 CRESCENT BLVD
GLEN ELLYN, IL 60137

D AMBROSIO, JANET & JAMES
OR CURRENT PROPERTY OWNER
760 CRESCENT BLVD
GLEN ELLYN, IL 60137

SHEKLETON, MAUREEN E
OR CURRENT PROPERTY OWNER
805 EDGEWOOD DR
GLEN ELLYN, IL 60137

PETERSON, ALAN & MILDRED
OR CURRENT PROPERTY OWNER
646 PLUM TREE RD
GLEN ELLYN, IL 60137

BRZOSOWSKI, S & T O GRADY
OR CURRENT PROPERTY OWNER
750 CRESCENT BLVD
GLEN ELLYN, IL 60137

LANGILLE, BRUCE & VALORIE
OR CURRENT PROPERTY OWNER
612 HICKORY RD
GLEN ELLYN, IL 60137

BLOWERS, DUNCAN & JENN
OR CURRENT PROPERTY OWNER
681 DUANE ST
GLEN ELLYN, IL 60137

MARKBY, JAMES J & MAUREEN
OR CURRENT PROPERTY OWNER
618 HICKORY RD
GLEN ELLYN, IL 60137

KINNEY, MICHAEL & C B
OR CURRENT PROPERTY OWNER
645 RIFORD RD
GLEN ELLYN, IL 60137

BOGDANSKI, RONALD & D
OR CURRENT PROPERTY OWNER
660 PLUM TREE RD
GLEN ELLYN, IL 60137

NOTICE OF PUBLIC HEARING

Leisha McCready and John Keel, owners of the property at 787 Crescent Boulevard, are requesting a public hearing for a variation in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code. The Glen Ellyn Zoning Board of Appeals will conduct a public hearing to consider the variation on Tuesday, December 11, 2018 at 7:00 p.m. on the third floor in the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Anyone is welcome to attend.

The property owner is requesting approval of a variation from the Glen Ellyn Zoning Code as follows:

1. Section 10-5-4(A)(4)(b) - to allow a constructed patio to remain less than 1 foot from the east property line in lieu of 13.5 feet.
2. 10-5-5(C)(1) - to allow a constructed walkway to remain at a distance of less than 1 foot from the east property line in lieu of 6.75 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.

The subject property is located in the R2 Residential Zoning District and is legally described as follows:

OF LOT 3 IN THE PLAT OF W.M. R. CLINES RESUBDIVISION OF PART OF LOT 1 IN H. B. BARNES SUBDIVISION, GLEN ELLYN, A SUBDIVISION OF LOTS 8 AND 11 OF COUNTY CLERK'S THIRD ASSESSMENT DIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID PLAT OF RESUBDIVISION RECORDED MARCH 15, 1949 AS DOCUMENT 564304, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-11-219-005
Plans related to the proposed project are available for public review in the Planning and Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois. If you have questions, please contact Kelly Purvis at (630) 547-5371. For individuals with disabilities who have questions regarding the accessibility of the meeting or facilities, please contact the Village at least 24 hours in advance of the meeting at (630) 469-5000.

Published in Daily Herald November 26, 2018 (4513752)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

DuPage County
Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DuPage County DAILY HERALD**. That said **DuPage County DAILY HERALD** is a secular newspaper, published in Naperville and has been circulated daily in the Village(s) of:

Addison, Aurora, Bartlett, Bensenville, Bloomingdale, Carol Stream,
Darien, Downers Grove, Elmhurst, Glen Ellyn, Glendale Heights,
Hanover Park, Hinsdale, Itasca, Keeneyville, Lisle, Lombard, Medinah,
Naperville, Oakbrook, Oakbrook Terrace, Plainfield, Roselle, Villa Park,
Warrenville, West Chicago, Westmont, Wheaton, Willowbrook,
Winfield, Wood Dale, Woodridge

County(ies) of DuPage

and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the DuPage County DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published November 26, 2018 in said DuPage County DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

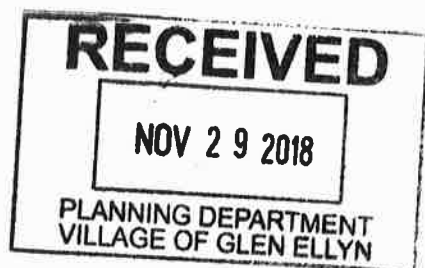
PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY

Laurel Baetz

Designee of the Publisher and Officer of the Daily Herald

Control # 4513752



Date: 1/18/19

To: Leisha McCready and John Keel (owners: 787 Crescent Blvd)

From: Scott W. Pearson and Duska L. Pearson (owners: 791 Crescent Blvd)

SUBJ: VARIANCE REQUEST FROM GLEN ELLYN ZONING CODE

The undersigned, the current owners of 791 Crescent Blvd (the 791 Owners), are comfortable supporting the variations outlined in #1 and #2 in the Notice of Public Hearing issued by the Glen Ellyn Zoning Code, in connection with the variations submitted by Leisha McCready and John Keel (the 787 Owners) for consideration at the December 11, 2018 meeting of the Glen Ellyn Zoning Board of Appeals provided that all of the following conditions are met:

1. The portion of the concrete retaining wall associated with 787 Crescent Blvd currently reflected on the 791 Crescent Blvd Plat of Survey dated October 18, 2018 (the Survey) as on or east of the property line is moved or removed from the property at 791 Crescent Blvd no later than 30 April 2019 (or earlier if weather conditions allow) as a condition of granting the variance.
2. The 787 Owners agree to remedy any damage caused to property at 791 Crescent Blvd in the construction of the 787 Crescent Blvd patio and walkway project.
3. The 787 Owners agree that we, the 791 Owners, are permitted to remove the existing fence and place a new fence on our property that is consistent with the Glen Ellyn Zoning Code other than the variances described in condition 5 below.
4. The 787 Owners agree to provide the 791 Owners and their delegates reasonable access to construct the new fence described in condition 3 above, including access through 787 Crescent Blvd and on the side of 787 Crescent Blvd, all as reflected in the Survey.
5. The 787 Owners agree to support the 791 Owners in seeking any required variances for new fence construction which would allow for a six (6) foot fence height along the property line, of the type desired by the 791 Owners, consistent with the existing fence dimensions.

We hereby request that any variance granted to the 787 Owners by the Glen Ellyn Zoning Board of Appeals specifically include the conditions outlined in #1-#5 above.

Respectfully,

Scott W. Pearson & Duska L. Pearson

Acknowledged and Agreed:

Leisha McCready and John Keel