



Agenda
Village of Glen Ellyn
Zoning Board of Appeals
Regular Meeting
Tuesday, June 25, 2019
7:00 PM

Glen Ellyn Civic Center, Galligan Board Room

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 June 11, 2019 Zoning Board of Appeals Meeting

1. June 11, 2019 Zoning Board of Appeals Draft Meeting Minutes

C. Agenda Item - Public Hearing - 431 Carleton Avenue

1. Public Hearing – Zoning Variation request to allow a front porch to encroach into the required front yard by a greater amount than what is permitted.

D. Village Board Trustee Report

E. Staff Report

1. July 9, 2019 - 503 Carleton Avenue

F. Adjournment

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: 06/25/19 07:00 PM
Department: Zoning Board of Appeals
Department Head: Katie Ashbaugh
Category: Minutes
Prepared By: Katie Ashbaugh

SCHEDULED

AGENDA ITEM (ID # 4038)

DOC ID: 4038

June 11, 2019 Zoning Board of Appeals Draft Meeting Minutes

ATTACHMENTS:

- Draft Minutes ZBA 6 11 19 (PDF)

DRAFT MINUTES
ZONING BOARD OF APPEALS
JUNE 11, 2019

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

Chairperson Constantino explained the procedures of the Zoning Board of Appeals (ZBA) and stated tonight's meeting is called pursuant to notice by statute that was published in the Daily Herald on May 27, 2019, and all property owners affected by the variations being requested were notified by mail.

MINUTES

ZBA Member Panther moved, seconded by ZBA Member Whalls, to approve the minutes of the May 14, 2019 meeting. The motion carried unanimously with a voice vote.

On the agenda was a public hearing regarding the property at 532 Turner Avenue.

ZBA 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 Jones to open the public hearing for 532 Turner Avenue at 7:05 p.m. The motion carried unanimously with a voice vote.

PUBLIC HEARING – 532 TURNER AVENUE

PETITIONER KAREN MCLAUGHLIN IS REQUESTING APPROVAL FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS TO ALLOW TO ALLOW A DECK TO BE CONSTRUCTED IN THE INTERIOR SIDE YARD WHERE DECKS ARE NOT A PERMITTED OBSTRUCTION ON THE PROPERTY LOCATED AT 532 TURNER AVENUE: 1. SECTION 10-5-5(B)4 #8 TO ALLOW A DECK TO ENCROACH 2 FEET 4 INCHES INTO THE REQUIRED 7 FOOT INTERIOR SIDE YARD SETBACK WHERE DECKS ARE NOT A PERMITTED OBSTRUCTION, CREATING A SIDE YARD SETBACK OF 4 FEET 8 INCHES FROM THE INTERIOR SIDE (NORTH) PROPERTY LINE. 2. ANY OTHER ZONING RELIEF NECESSARY TO CONSTRUCT THE PROJECT AS DEPICTED ON THE PLANS PRESENTED OR REVISED AT THE PUBLIC HEARING OR A PUBLIC MEETING OF THE VILLAGE BOARD.

(Karen McLaughlin, owner of the property at 532 Turner Avenue)

Staff Presentation

Village Planners Kelly Purvis and Katie Ashbaugh were present to speak regarding the proposed variation request and were sworn in.

Village Planner Ashbaugh stated petitioner Karen McLaughlin, owner of the property at 532 Turner Avenue, is requesting a variation from the Glen Ellyn Zoning Code to allow a deck to be constructed in the interior side yard where decks are not a permitted obstruction. Village Planner Ashbaugh stated the property is on the northeast corner of N. Main Street and Turner Avenue, and the subject property and the properties surrounding are zoned R2 – Residential District. Village Planner Ashbaugh showed an aerial view of the property and stated this property is a reverse corner lot, meaning the front lot line is considered the shortest lot line that is adjacent to the public right-of-way. Village Planner Ashbaugh stated based on permits she found, there is a patio as well.

Village Planner Ashbaugh showed street views of the property and stated according to the application, the deck that was taken off was originally installed approximately 18 to 20 years ago. Village Planner Ashbaugh stated there are no permits on record for the constructions of this previous deck or the sliding door that leads to this deck. Village Planner Ashbaugh stated the petitioner has proposed a deck that would encroach 2 feet 4 inches into the required interior side yard of 7 feet, and decks are not a permitted encroachment into the required interior side yard.

Questions from the Zoning Board of Appeals

ZBA Member Panther asked how much the deck would encroach into the side yard if you look at the scale. Village Planner Ashbaugh stated as you move west, it tapers off on the encroachment.

ZBA Member Lucchesi asked if the deck was the only thing in question. Village Planner Ashbaugh stated it is as the existing sliding door that is on the second floor is not a part of the request.

Chairperson Constantino asked if this is the minimum width for the walkway on the northerly side of the home. Village Planner Ashbaugh stated she is not aware of any minimum as this would be a building permit item. Village Planner Purvis stated she is not aware of any very minimum width.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation was Karen McLaughlin, owner of the home at 532 Turner Avenue.

Ms. McLaughlin stated the previous deck had been on the home since approximately 2001 or 2002, and she thought there had been a permit for this deck. Ms. McLaughlin stated their property is tight on all ends except the west, and the hardship would be what else you would put there if you cannot put a deck there, with the door being there. Ms. McLaughlin stated you would need to put a door then somewhere else as the access point is important.

Additional Questions from the Zoning Board of Appeals

ZBA Member Whalls asked what room is off of this proposed deck. Ms. McLaughlin stated this is where the sun room is off the family room.

ZBA Member Lucchesi asked if the addition was built before the deck. Village Planner Ashbaugh stated according to the records, it looks as if the permit for the addition was done in 1965.

ZBA Member Jones asked what would happen for an exit if there is a fire in the kitchen. Ms. McLaughlin stated there would be a problem getting out of the home if there was a fire in the kitchen and no access point where it is currently.

Chairperson Constantino asked the petitioner to confirm if the proposed 3 feet/36 inch width of the proposed deck by the door is the minimum that they need to make reasonable use of the exit. Ms. McLaughlin stated this is what the contractor said. Chairperson Constantino stated the general location of the proposed improvement is on the northeast corner of the lot as the home is not centered in the lot, and they cannot make adequate use of the exit without this proposed improvement. Chairperson Constantino asked if this proposed deck would make any change to the character of the neighborhood. Ms. McLaughlin stated it would not as there was a deck there previously, and the neighbors have told Ms. McLaughlin they are fine with this. Chairperson Constantino asked if the Village had received any objections from neighbors regarding this proposed deck. Village Planner Ashbaugh stated the staff has not heard any objections from any neighbors.

Village Planner Purvis stated for ADA compliance, a 5-foot width is recommended.

ZBA Member Whalls stated the home faces directly east and west, and the lot is a parallelogram with a 10-degree shift to the west.

Village Planner Ashbaugh stated an outdoor exit from a second story is not required by Code since it is not a multi-family dwelling.

Persons in Favor of or in Opposition to the Variation Requests

Steve Nelson, who resides at 553 Hill Avenue, was sworn in. Mr. Nelson stated they live around the block from the petitioner and have known them for several years. Mr. Nelson stated he always thought the property was odd due to the placement of the home on the property. Mr. Nelson stated he knows the property owners that live directly north of the 532 Turner property, and Mr. Nelson stated these property owners would not object to the deck. Mr. Nelson stated he would be hard-pressed to say this deck would be a problem because it will be hard to see.

Findings of Fact

ZBA Member Panther stated petitioner Karen McLaughlin, owner of the property at 532 Turner Avenue, is asking for a variation from Section 10-5-5(b)4 #8 to allow a deck to encroach 2 feet 4 inches into the required 7 foot interior side yard setback where decks are not a permitted obstruction, creating a side yard setback of 4 feet 8 inches from the interior side (north) property line and for any other zoning relief necessary to construct the project as depicted on the plans presented or revised at the public hearing or a public meeting of the Village Board. ZBA Member Panther stated decks are not a permitted obstruction in the front or side interior yards. ZBA Member Panther stated this property is located on the northeast corner of Main Street and Turner Avenue.

ZBA Member Panther stated the ZBA heard from Village Planners Katie Ashbaugh and Kelly Purvis. ZBA Member Panther stated the property and surrounding properties are zoned R2 – Residential. ZBA Member Panther stated the property is a reverse corner lot so the front lot line is considered the shortest lot line that is adjacent to the public right-of-way.

ZBA Member Panther stated the petitioner is proposing to replace a non-permitted deck in-kind for the deck that was already removed from the home. ZBA Member Panther stated zoning relief is only needed along the northern property line. ZBA Member Panther stated the proposed 3-foot wide part of the deck by the door is likely the minimum allowed per the builder. ZBA Member Panther stated Village Planner Purvis said that a 5-foot minimum is needed for ADA compliance.

ZBA Member Panther stated the ZBA heard from the petitioner Karen McLaughlin that she thought the builder applied for a permit for the deck and did not discover until after the previous deck was removed that there was no permit done yet. ZBA Member Panther stated the previous deck and sliding door were installed in approximately 2001 or 2002, and access is

needed from that side of the home to evacuate in case of a fire. ZBA Member Panther stated an addition was put on in approximately 1965.

ZBA Member Panther stated Ms. McLaughlin indicated that the 36-inch width would be the minimum that would be required. ZBA Member Panther stated Ms. McLaughlin did note the location of the home on the property does make it difficult to use that portion of the lot. ZBA Member Panther stated Ms. McLaughlin also indicated the angle of the home on the property makes it difficult to make improvements on the site. ZBA Member Panther stated Ms. McLaughlin indicated she had spoken to her neighbors, and the neighbors support this proposed deck.

ZBA Member Panther stated the ZBA heard from Steve Nelson, who resides at 553 Hill Avenue. Mr. Nelson stated the property is an odd-shaped lot, and this proposed deck would not be visible from the street.

Motion

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

The motion carried unanimously with a voice vote.

Additional Comments from the Zoning Board of Appeals

ZBA Member Lucchesi stated he does not see any issue with the aesthetics of the proposed deck and its conformity to the neighborhood. ZBA Member Lucchesi stated the petitioner is not making any major changes and only a small run would be infringing. ZBA Member Lucchesi stated he does support the variance. ZBA Member Lucchesi stated he does recommend having an engineer figure out the load capacity for the railings.

ZBA Member Panther stated the home is parallel to the lot line, and the askew placement of the property and the home are creating the hardship. ZBA Member Panther stated he has no objections with this.

ZBA Member Jones stated he is fine with this variation request.

ZBA Member Whalls stated he has no problems with this variation request. ZBA Member Whalls stated they have heard no objections about the proposed deck. ZBA Member Whalls stated he feels the 3-foot width may be a bit tight, but he is fine with this.

Chairperson Constantino stated he is in favor of recommending the variation as it addresses potential safety issues with an exit on the west side of the property. Chairperson Constantino stated the home is not centered on the lot, and there are small setbacks on 3 sides of the home. Chairperson Constantino stated this proposed deck will not change the character of the neighborhood, is not based on financial motivation and does not pose a public safety or health issue.

Motion

A motion was made by ZBA Member Whalls and seconded by ZBA Member Panther to close the public hearing for 532 Turner Avenue at 7:35 p.m. The motion carried unanimously with a voice vote.

A motion was made by ZBA Member Jones and seconded by ZBA Member Whalls.

Having considered the application of Karen McLaughlin, for a zoning variation to allow a deck to encroach 2 feet 4 inches into the required 7 foot interior side yard setback where decks are not a permitted obstruction, creating a side yard setback of 4 feet 8 inches from the interior side (north) property line on a reverse corner lot on the property located at 532 Turner Avenue, the Zoning Board of Appeals hereby adopts the Findings of Fact in the petitioners' application packet and presented by the petitioners at the June 11, 2019, Zoning Board of Appeals public hearing as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends approval of the following requested zoning variations:

1. Section 10-5-5(b)4 #8 to allow a deck to encroach 2 feet 4 inches into the required 7 foot interior side yard setback where decks are no a permitted obstruction, creating a side yard setback of 4 feet 8 inches from the interior side (north) property line.
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.

Due to the following unique circumstances:

1. The home does not sit parallel to the lot line in the rear yard; and
2. This provides an emergency exit of the home due to the safety of the deck.

Subject to the following conditions:

1. The project shall be constructed in substantial conformance with the plans as submitted and the testimony presented at the June 11, 2019 public hearing of the Zoning Board of Appeals.

The motion carried with five (5) “yes” votes .The “yes” votes are as follows: ZBA Members Jones, Lucchesi, Panther, Whalls and Chairperson Constantino.

ZBA Chairperson Constantino stated the ZBA recommended this and will now go to the Village Board for approval, and Village Planners Ashbaugh and Purvis can tell you when this will be. ZBA Chairperson Constantino stated he advises the petitioners to come to the Village Board meeting just in case there are questions.

Village Board Trustee Report

Trustee Senak stated the Village Board is working on the Downtown Streetscape Plan, the Comprehensive Plan and the McChesney development. Trustee Senak encouraged everyone to come to the meetings regarding the Comprehensive Plan to let the Village Board know what they would like to see. Trustee Senak stated there are 2 proposals for the McChesney site.

There was discussion regarding the possible train station, the Giesche building, the proposed parking garage, the Avere development across from the library and Innovation DuPage.

Staff Report

Village Planner Ashbaugh stated there will be a meeting on June 25, 2019 for the property at 431 Carleton Avenue.

Village Planner Ashbaugh stated in reference to the pieces referenced by Trustee Senak, there is a Village Board Workshop on the Downtown Sub-Area Plan of the Comprehensive Plan on Monday, June 17th. Village Planner Ashbaugh stated there will be an Open House for feedback on the update to the Comprehensive Plan on Wednesday, June 26th from 4:00 p.m. to 7:00 p.m., and the Avere development will go before the Plan Commission on Thursday, June 20th.

Adjournment

At 7:50 p.m., a motion was made by ZBA Member Panther and seconded by ZBA Member Lucchesi 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: 06/25/19 07:00 PM

Department: Zoning Board of Appeals

Department Head: Katie Ashbaugh

Category: Public Hearing

Prepared By: Katie Ashbaugh

SCHEDULED

AGENDA ITEM (ID # 4039)

DOC ID: 4039

Public Hearing – Zoning Variation request to allow a front porch to encroach into the required front yard by a greater amount than what is permitted.

- PROPERTY:** 431 Carleton Avenue, is an interior lot, located at on the east side of Carleton Avenue, just north of Hillside Avenue.
- PETITIONERS:** The petitioners are Robert T. and Ramona V. Clucas, owners of the property located at 431 Carleton Avenue.
- REQUEST:** The petitioners request a recommendation of approval of the following variations from the Glen Ellyn Zoning Code:
1. Section 10-5-5(B)4 #24.b to allow a front porch to encroach by approximately fifty-eight (58) percent or seventeen (17) feet six (6) inches, of the minimum required thirty (30) foot front yard, in lieu of the maximum encroachment allowed for porches of twenty-five (25) percent of the required thirty (30) foot front yard, or seven (7) feet six (6) inches, in the R2 - Residential District.
 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.
- ZONING/USE:** The subject property, the property to the north, the property to the west across Carleton Avenue, the property to the east, and the property to the south across Hillside Avenue, are all zoned R2 - Residential District and are all improved with single family homes.
- PUBLIC NOTICE:** Notice of the public hearing was published in the June 10, 2019 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:** July 23, 2007 - The Village adopted Ordinance 5592 (Attachment 13), which approved a variation from the rear yard and side yard setback requirements to allow the construction of a detached garage.

PERMIT HISTORY: Year	Permit No.	Type
1969	1275	Electrical permit
1983	7449	Driveway approach

2007 27265 Detached garage

EXISTING:	R2 Lot Requirements [10-4-8(D)]	Subject Property Data
Lot Area	8,712 ft ² (0.20 acres)	~4,590.13 ft ² (0.11 acres)
Lot Width	80', corner lots; 66', all other lots	62.75'
Front Yard	between 30' and 50' for new construction; but no closer than the closest principal structure of existing principal structures on adjacent lots on the same side of the street	~19.62' from front lot line to principal structure; ~12.5' from front lot line to existing front porch
Interior Side Yard	6.5' or 10% of the total lot width, interior side whichever is greater	19.57' from north lot line to principal structure (10% of lot width is 7'); 18.62' from south lot line to principal structure
Rear Yard	40'	~22.5'

PROPOSED The petitioner proposes to construct a front porch off of the front elevation of the existing house, which requires an approximately fifty-eight (58) percent or seventeen (17) feet six (6) inch encroachment into the front yard setback. Per Section 10-5-5(B)4 #24.b, porches may only encroach up to (25) percent of the required front yard. In the R2 Residential District, twenty-five (25) percent of the required front yard is seven (7) feet six (6) inches, as the required front yard is thirty (30) feet. The proposed front porch would encroach an additional ten (10) feet into the required front yard beyond what is permitted, being approximately twelve (12) feet six (6) inches from the front lot line.

The proposed porch is intended to replace the existing non-conforming porch like-for-like, for which a variation was not previously granted.

PROPERTY HISTORY

Staff notes that although the Village does not have records for the construction of the house or the front porch, the plat of survey (Attachment 2) was completed in 1991, which shows the front porch being in place at that time.

Additionally, the porch is in poor condition, triggering the need for its like-for-like replacement. Because the Zoning Code limits the repair and reconstruction of nonconforming structures, the need to replace the porch is the reason for this request.

ZBA ACTION

The ZBA should consider the testimony presented during the public hearing and review the written evidence presented as part of the petitioner's application packet. The ZBA should make findings of fact and determine if practical difficulty or a 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 request in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code.

ATTACHMENTS

1. Petitioner's Application Packet
2. Plat of Survey - not current
3. Proposed Site Plan
4. Elevations
5. Photos
6. Location & Zoning Map
7. Aerial Photo
8. 2' Contour Map
9. Location Map for Public Hearing Notice
10. Mailing List for Public Hearing Notice
11. Public Hearing Notice
12. Certificate of Publication
13. Ordinance 5592 - 7/

CC:

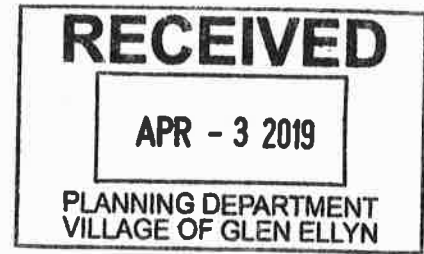
Staci Springer, Director of Community Development
 Steve Witt, Building & Zoning Official
 Kelly Purvis, Planner
 Debbie Solomon, Recording Secretary
 Paula Moritz, Plan Reviewer

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ATTACHMENTS:

- 1. Petitioners Application Packet (PDF)
- 2. Plat of Survey - not current (PDF)
- 3. Proposed Site Plan (PDF)

- 4. Elevations (PDF)
- 5. Photos (PDF)
- 6. Location - Zoning Map (PDF)
- 7. Aerial Photo (PDF)
- 8. 2-Foot Contour Map (PDF)
- 9. Location Map for Public Hearing Notice (PDF)
- 10. Mailing List for Public Hearing Notice (PDF)
- 11. Public Hearing Notice (PDF)
- 12. Certificate of Publication (PDF)
- 13. Ordinance 5592 - 7-23-2007 (PDF)



VILLAGE OF GLEN ELLYN

Zoning Variation Request Packet

*Planning & Development Department
535 Duane Street – Glen Ellyn, IL 60137 – Telephone 630.547.5250 – Fax 630.547.5370*

Attachment: 1. Petitioners Application Packet (4039 : 431 Carleton Avenue - Zoning Variation - Front Porch)

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

APPLICATION FOR VARIATION

For the property at 431 Carleton Ave. 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: Robert T. Lucas

Address: 431 Carleton Ave.

Home Phone No.: (630) 790-8287 Cell Phone No.: (630) 244-3290

Fax No.: n/a

E-mail: rrlucas@comcast.net

Ownership Interest in the Property in Question: co-owner
with Ramona V. Lucas

Attachment: 1. Petitioners Application Packet (4039 : 431 Carleton Avenue - Zoning Variation - Front Porch)

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):

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

Is the property in question subject to a contract or other arrangement for sale with the fee owner? (Circle "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? (Circle "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.

III. PROPERTY INFORMATION:Common address: 431 Carleton Ave, Glen Ellyn, IL 60137Permanent tax index number: 05-11-422-013Legal description: (see back page)Zoning classification: R2Lot size: 74.1 ft. x 62.75 ft.Area: 4649.75 sq. ft.Present use: family 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):

My house is considered non-compliant due to not meeting front and back setbacks
My front porch floor joists and stair stringers are rotten, but the structure holding them is insufficient and needs to be replaced

Estimated date to begin construction: upon grant of variance

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

Lance A. Weber Architect
2090 Jericho Rd., Aurora, IL 60506
630-264-1705

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:

Small lot size prevents complying
with required setbacks.

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):

Floor joists and stair stringers are
rotten, and will eventually fail without
replacement, which is not possible
without variance.

OR

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

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

Our intention is to keep the same size porch, but have a proper foundation and more rot-resistant materials. The only change to appearance would be primarily minor and cosmetic

- 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:

If the rotting were to progress, the porch would eventually be unusable, leaving only one exit and preventing mail delivery to the front door.

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:

Most properties presumably meet the setbacks, and would not require a Variance.

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:

My house needs a front entrance, but current porch is becoming less safe. I don't believe

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.

I have tried to make minor repairs, but even 4" long screws do not hold solidly anymore. I bought the house with the porch in its current configuration.

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.

Rebuilding the porch in the same space should have no impact on other properties around me.

- g. Results in an increase in public expenditures.

Porch belongs to my property, so
I am financially responsible for it.

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

Fire code requires 2 exits, which
would be impossible if the porch fails.

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

VI. CERTIFICATIONS, CONSENT AND SIGNATURE(S)

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.

4/2/19 Robert T. Clucas Robert T. Clucas
Date Print Name Signature of Applicant

4/3/19 Ramona V. Clucas Ramona V. Clucas
Date Print Name Signature of Applicant

Date Print Name Signature of Applicant

OWNERSHIP BY LAND TRUST

Date:

4/2/19

Address:

431 Carleton Ave., Glen Ellyn, IL 60137

Legal Description:

Robert T. Clucas and Ramona V. Clucas
Joint Trust Dated December 9, 2017
(see following page)

TRUSTEE:

Robert T. Clucas, Ramona V. Clucas

TRUST NO.

05-11-422-013

Address:

431 Carleton Ave., Glen Ellyn, IL 60137

LIST ALL BENEFICIARIES:

Name:

Mara Arijia Clucas

Address:

1565 Raymond Dr., #203, Naperville, IL 60563

Name:

Mark Robert Stanley Clucas

Address:

FN Clucas, Mark
INDOC Division, 101 NNPTC Circle
Goose Creek, SC 29445

Name:

Address:

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Attachment: 1. Petitioners Application Packet (4039 : 431 Carleton Avenue - Zoning Variation - Front Porch)

APPENDIX A - LEGAL DESCRIPTION

LOT 6 IN BLOCK 2 IN FAIRFIELD, GLEN ELLYN, A SUBDIVISION IN SECTIONS 11 AND 14, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 15, 1914 AS DOCUMENT NO. 116853, IN DUPAGE COUNTY, ILLINOIS.

Permanent Index Number: 05-11-422-013

**Property Address: 431 Carleton Ave.
Glen Ellyn, IL 60137**

Attachment: 1. Petitioners Application Packet (4039 : 431 Carleton Avenue - Zoning Variation - Front Porch)

This property is known as 431 Carlton Ave., Glen Ellyn, IL.

Ordered by Atty. John Grotto, 400 W. Roosevelt Rd., Wheaton, IL.

RESURVEYED & PLAT REVISED NOVEMBER 30, 1990 FOR ATTY'S JOHNSON & WESTRA
RESURVEYED & PLAT REVISED JUNE 13, 1991 FOR ATTY'S JOHNSON & WESTRA

☐ 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.

9-7-07
(Date)

1 ag+ Give Ellyn Permit No. 27265

Building and Zoning Official

Final Inspection Required For All Projects
730-547-5250

CARLETON

FEN. COR.
0.35 S.
1.5 W. -

IRON P^{II}

FEN 0.235-

0.53 S.

STOCKADE FEN

HILLSIDE

AVE.

RECEIVED

NOV 17 2006

PLANNING DEPARTMENT
VILLAGE OF GLEN ELLYN

STATE OF ILLINOIS }
COUNTY OF DU PAGE } SS

THIS IS TO CERTIFY THAT I, HAROLD F. STEINBRECHER, JR., ILLINOIS LAND SURVEYOR, HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AS SHOWN ON THE ANNEXED PLAT WHICH IS A CORRECT REPRESENTATION OF SAID SURVEY. ALL DISTANCES ARE IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE SHOWN.

SCALE OF MAP IS 20 FEET TO ONE INCH

WHEATON, ILLINOIS. APRIL 27, 1987

BUILDINGS WERE LOCATED AS SHOWN ON APRIL 24, 1987

ILLINOIS REGISTERED LAND SURVEYOR

HAROLD F. STEINBRECHER, JR.
CIVIL ENGINEER AND SURVEYOR
110 NORTH WEST STREET
WHEATON, ILLINOIS

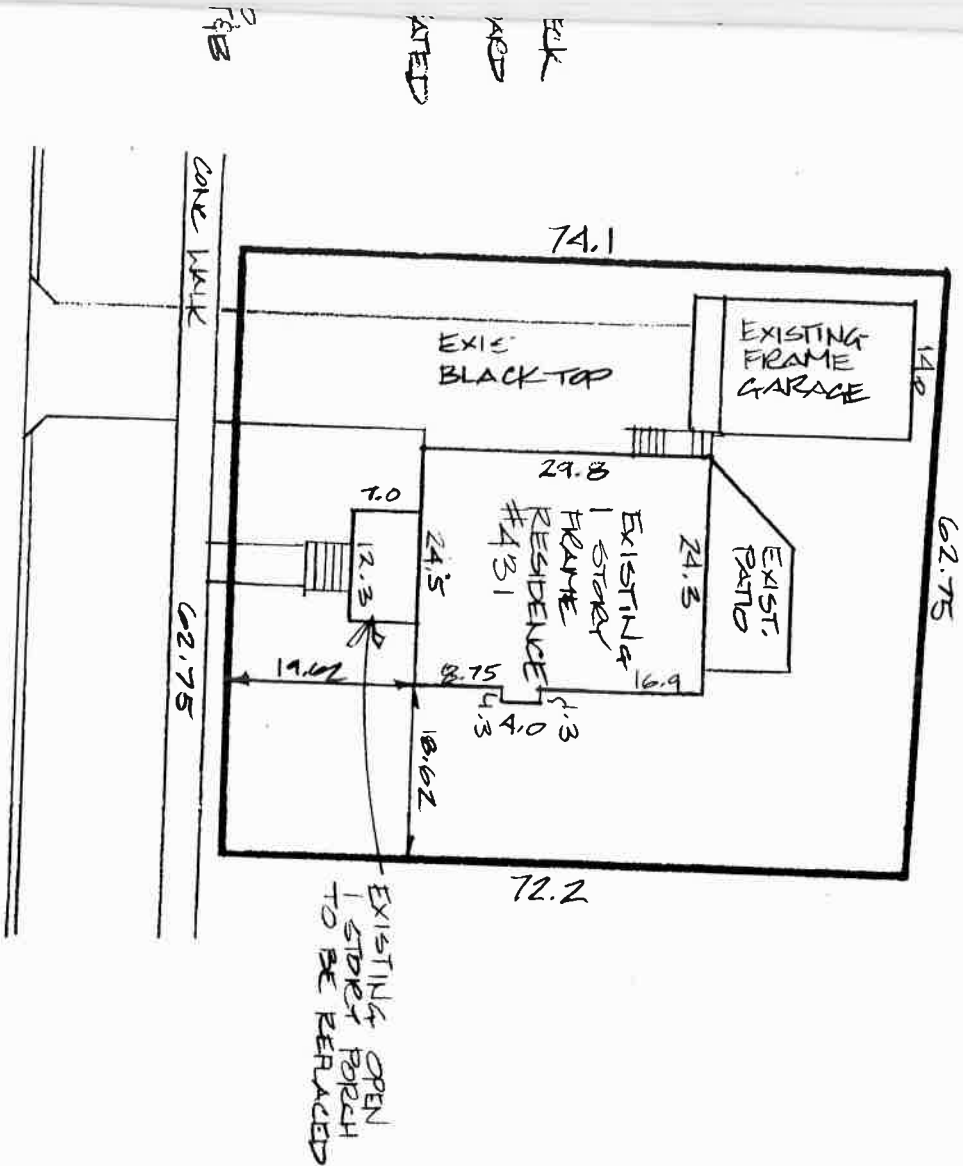
A circular professional seal for Harold F. Steinbrecher, Jr. The outer ring contains the text "HAROLD F. STEINBRECHER, JR." at the top and "WHEATON, ILLINOIS" at the bottom. The inner circle contains the text "ILLINOIS LAND SURVEYOR" and "CERT. 1594".

PLN# 05-11-422-013

Packet Pg. 25

Attachment: 2. Plat of Survey - not current (4039 : 431 Carleton Avenue - Zoning Variation - Front Porch)

RECEIVED
APR - 3 2019
PLANNING DEPARTMENT
VILLAGE OF GLEN EILYN



CARLETON AVENUE

SITE PLAN 1" = 20'-0"

NORTH





Attachment: 5. Photos (4039 : 431 Carleton Avenue - Zoning Variation - Front Porch)

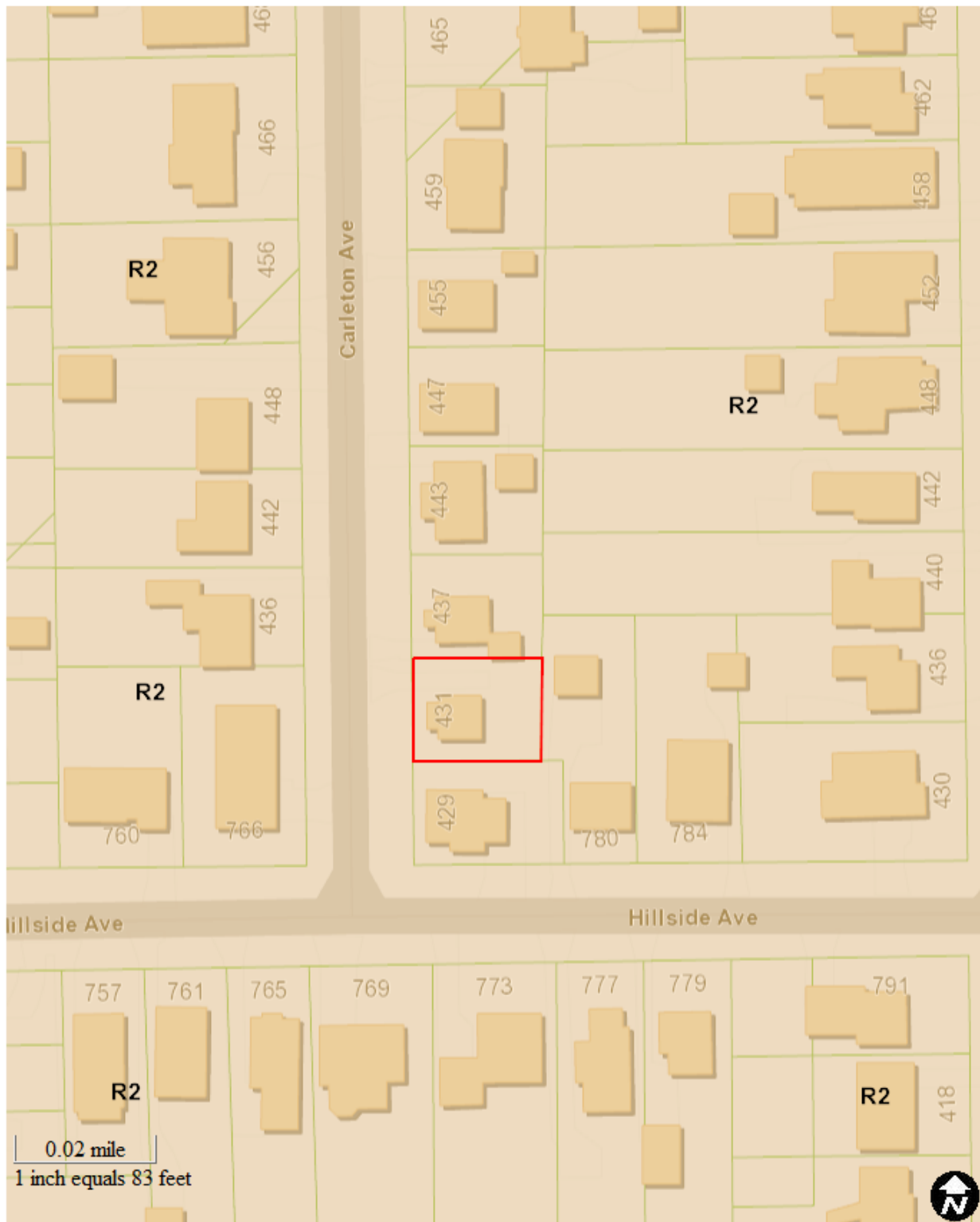


Attachment: 5. Photos (4039 : 431 Carleton Avenue - Zoning Variation - Front Porch)



Attachment: 5. Photos (4039 : 431 Carleton Avenue - Zoning Variation - Front Porch)

Location & Zoning Map



Map created on June 20, 2019.

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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.



Map created on June 20, 2019.

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2-Foot Contour Map



Map created on June 20, 2019.

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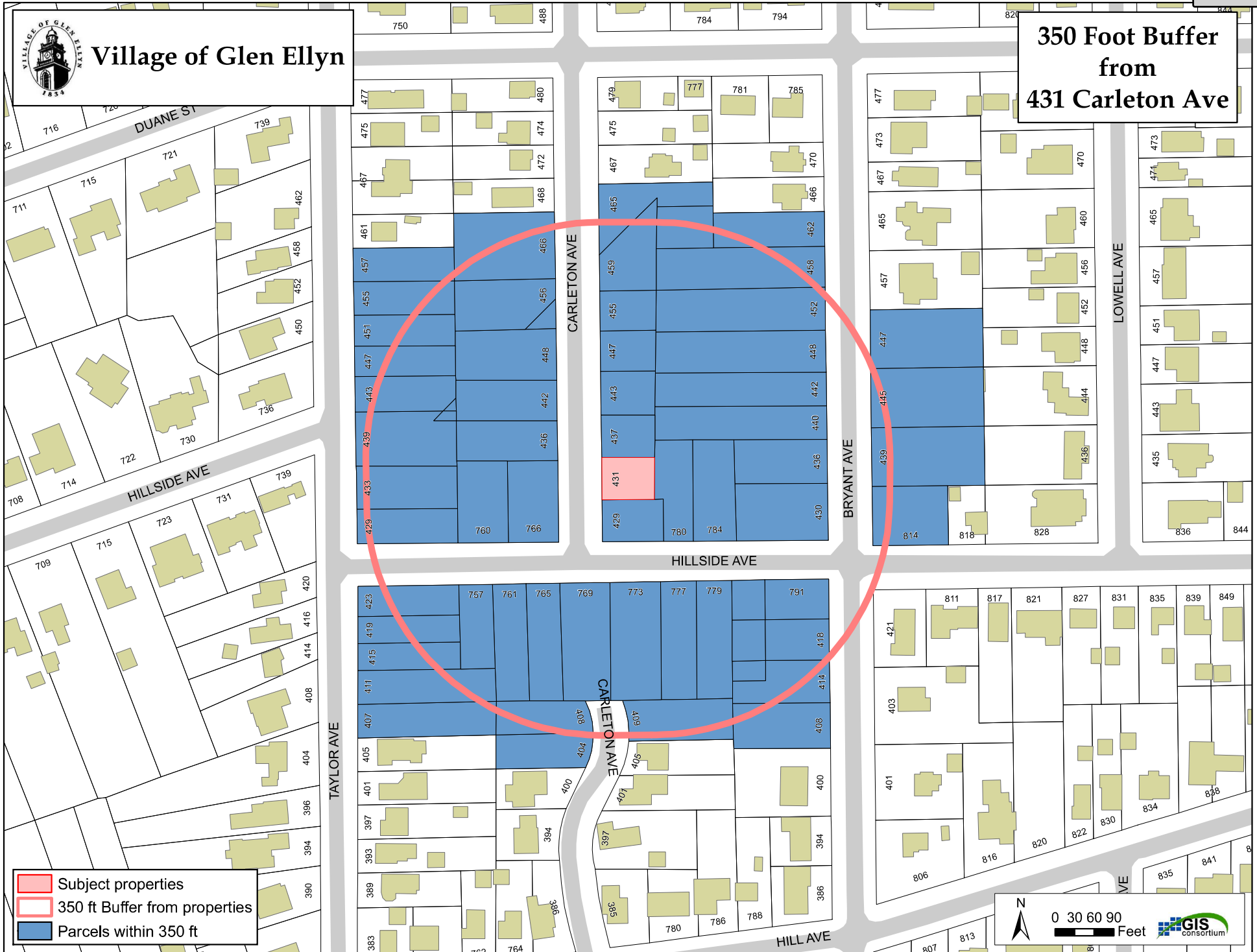
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Disclaimer: This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination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



Village of Glen Ellyn

350 Foot Buffer
from
431 Carleton Ave



ADAS, LUKE & BETH
OR CURRENT PROPERTY OWNER
411 TAYLOR AVE
GLEN ELLYN, IL 60137

BURRELLO, JOSEPH & JANET
OR CURRENT PROPERTY OWNER
468 PENNSYLVANIA AVE H
GLEN ELLYN, IL 60137

CLUCAS, ROBERT & RAMONA
OR CURRENT PROPERTY OWNER
431 CARLETON AVE
GLEN ELLYN, IL 60137

DEIBER, TAMMIE ANN
OR CURRENT PROPERTY OWNER
414 BRYANT AVE
GLEN ELLYN, IL 60137

ERICKSON, MARIE K
OR CURRENT PROPERTY OWNER
447 CARLETON AVE
GLEN ELLYN, IL 60137

GERMAN, KEVIN & ERIN
OR CURRENT PROPERTY OWNER
761 HILLSIDE AVE
GLEN ELLYN, IL 60137

HOLDEN, BRENDT & MIHO
OR CURRENT PROPERTY OWNER
408 CARLETON
GLEN ELLYN, IL 60137

KIRBY, EUGENE J & SUSAN M
OR CURRENT PROPERTY OWNER
408 BRYANT AVE
GLEN ELLYN, IL 60137

LARAMIE, MICHAEL & L
OR CURRENT PROPERTY OWNER
773 HILLSIDE AVE
GLEN ELLYN, IL 60137

LIPKEY, VAN M & CHRISTA S
OR CURRENT PROPERTY OWNER
779 HILLSIDE AVE
GLEN ELLYN, IL 60137

AKAMATSU, NORIHISA & ANNE
OR CURRENT PROPERTY OWNER
443 CARLETON AVE
GLEN ELLYN, IL 60137

CARROLL, THOMAS & BRIDGET
OR CURRENT PROPERTY OWNER
780 HILLSIDE AVE
GLEN ELLYN, IL 60137

DE MOTTE, DAVID L
OR CURRENT PROPERTY OWNER
766 HILLSIDE AVE
GLEN ELLYN, IL 60137

DICKSON, JEFFREY & GAIL
OR CURRENT PROPERTY OWNER
439 BRYANT AVE
GLEN ELLYN, IL 60137

FLINT, JASON & BRIDGET
OR CURRENT PROPERTY OWNER
423 TAYLOR AVE
GLEN ELLYN, IL 60137

GRAHAM, J & G CARLSON
OR CURRENT PROPERTY OWNER
436 CARLETON AVE
GLEN ELLYN, IL 60137

ILLINGWORTH, STEVEN & R
OR CURRENT PROPERTY OWNER
814 HILLSIDE AVE
GLEN ELLYN, IL 60137

KOVICH, CHRISTOPHER G & K
OR CURRENT PROPERTY OWNER
430 BRYANT AVE
GLEN ELLYN, IL 60137

LARDNER, TIMOTHY & HEIDI
OR CURRENT PROPERTY OWNER
451 TAYLOR AVE
GLEN ELLYN, IL 60137

MAC DONALD, JOHN & AMANDA
OR CURRENT PROPERTY OWNER
440 BRYANT AVE
GLEN ELLYN, IL 60137

BEARD, MARC & RACHEL
OR CURRENT PROPERTY OWNER
777 HILLSIDE AVE
GLEN ELLYN, IL 60137

CAVAN, MARC & TRICIA
OR CURRENT PROPERTY OWNER
784 HILLSIDE AVE
GLEN ELLYN, IL 60137

DEEGAN, WILLIAM & MARY
OR CURRENT PROPERTY OWNER
87 CONKLIN AVE
HILLSDALE, NJ 07642

DUPUY, BARRY & JULIE
OR CURRENT PROPERTY OWNER
447 BRYANT AVE
GLEN ELLYN, IL 60137

FRENZEL, JENNIFER G
OR CURRENT PROPERTY OWNER
462 BRYANT AVE
GLEN ELLYN, IL 60137

HELLEDY, JOHN A
OR CURRENT PROPERTY OWNER
455 TAYLOR AVE
GLEN ELLYN, IL 60137

JOHNSON, EDWARD & DIANE
OR CURRENT PROPERTY OWNER
769 HILLSIDE AVE
GLEN ELLYN, IL 60137

KRAKER, RICHARD
OR CURRENT PROPERTY OWNER
457 TAYLOR AVE
GLEN ELLYN, IL 60137

LEVANDOWSKI, TERRY J
OR CURRENT PROPERTY OWNER
404 CARLETON AVE
GLEN ELLYN, IL 60137

MALHAM, TERI N
OR CURRENT PROPERTY OWNER
757 HILLSIDE AVE
GLEN ELLYN, IL 60137

MALIKOW, JASON A & LISA
OR CURRENT PROPERTY OWNER
459 CARLETON AVE
GLEN ELLYN, IL 60137

OVCHARCHYN, MARK D
OR CURRENT PROPERTY OWNER
409 CARLETON AVE
GLEN ELLYN, IL 60137

REIMANN, JAMES & JESSICA
OR CURRENT PROPERTY OWNER
429 TAYLOR AVE
GLEN ELLYN, IL 60137

RYAN, MARGARET F
OR CURRENT PROPERTY OWNER
419 TAYLOR AVE
GLEN ELLYN, IL 60137

SEAVEY, BRENT W & DIANA
OR CURRENT PROPERTY OWNER
437 CARLETON AVE
GLEN ELLYN, IL 60137

STUART, KATHERINE & WM
OR CURRENT PROPERTY OWNER
442 CARLETON AVE
GLEN ELLYN, IL 60137

WARD, CHRISTOPHER & K
OR CURRENT PROPERTY OWNER
407 TAYLOR AVE
GLEN ELLYN, IL 60137

WHITE, CHRISTINE & BARRY
OR CURRENT PROPERTY OWNER
436 BRYANT AVE
GLEN ELLYN, IL 60137

YOUNG, ROBERT
OR CURRENT PROPERTY OWNER
452 BRYANT AVE
GLEN ELLYN, IL 60137

MC QUISTON, ALAN S & KIM
OR CURRENT PROPERTY OWNER
448 BRYANT AVE
GLEN ELLYN, IL 60137

PAGE, LARRY & PATRICIA
OR CURRENT PROPERTY OWNER
442 BRYANT AVE
GLEN ELLYN, IL 60137

REPP, WESLEY & STACEY
OR CURRENT PROPERTY OWNER
443 TAYLOR AVE
GLEN ELLYN, IL 60137

SCHRAUTH, MICHAEL D
OR CURRENT PROPERTY OWNER
447 TAYLOR AVE
GLEN ELLYN, IL 60137

STEDMAN, P & A COSTER
OR CURRENT PROPERTY OWNER
466 CARLETON AVE
GLEN ELLYN, IL 60137

WAGNER, JANET
OR CURRENT PROPERTY OWNER
418 BRYANT AVE
GLEN ELLYN, IL 60137

WELLEN, ROBERT & AMORIE
OR CURRENT PROPERTY OWNER
760 HILLSIDE AVE
GLEN ELLYN, IL 60137

WHITE, PAUL & SARAH
OR CURRENT PROPERTY OWNER
433 TAYLOR AVE
GLEN ELLYN, IL 60137

ZARTMANN, GREGG
OR CURRENT PROPERTY OWNER
415 TAYLOR AVE
GLEN ELLYN, IL 60137

NOONAN, LINDA B
OR CURRENT PROPERTY OWNER
455 CARLTON AVE
GLEN ELLYN, IL 60137

RANDECKER, CAROLE & HARVEY
OR CURRENT PROPERTY OWNER
791 HILLSIDE AVE
GLEN ELLYN, IL 60137

RIO 22550-5, RICHARD
OR CURRENT PROPERTY OWNER
429 CARLETON AVE
GLEN ELLYN, IL 60137

SCHREIBER, MARTIN J
OR CURRENT PROPERTY OWNER
456 CARELTON AVE
GLEN ELLYN, IL 60137

STRUTYNSKY, CHRISTYNE
OR CURRENT PROPERTY OWNER
439 TAYLOR AVE
GLEN ELLYN, IL 60137

WAKERLY, ROBERT & BRIEL
OR CURRENT PROPERTY OWNER
458 BRYANT AVE
GLEN ELLYN, IL 60137

WHEELER, PAUL & JENNIFER
OR CURRENT PROPERTY OWNER
765 HILLSIDE AVE
GLEN ELLYN, IL 60137

WOLNY, WOJCIECH & NICOLE
OR CURRENT PROPERTY OWNER
445 BRYANT AVE
GLEN ELLYN, IL 60137



NOTICE OF PUBLIC HEARING

Robert T. and Ramona V. Clucas, owners of the property at 431 Carleton Avenue, 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 this variation on **June 25, 2019** 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 owners are requesting approval of a variation from the Glen Ellyn Zoning Code as follows:

1. Section 10-5-5(B)4 #24.b to allow a front porch to encroach by approximately fifty-eight (58) percent or seventeen (17) feet six (6) inches, of the minimum required thirty (30) foot front yard, in lieu of the maximum encroachment allowed for porches of twenty-five (25) percent of the required thirty (30) foot front yard, or seven (7) feet six (6) inches, in the R2 – Residential District.
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 property is zoned R2, Residential District, and is legally described as follows:

LOT 6 IN BLOCK 2 IN FAIRFIELD, GLEN ELLYN, A SUBDIVISION IN SECTIONS 11 AND 14, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 15, 1914 AS DOCUMENT NO. 116853, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-11-422-013

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 Katie Ashbaugh, Planner, at (630) 547-5249. For individuals with disabilities who have questions regarding the accessibility of the meeting or facilities, contact the Village at (630) 469-5000.

X:\Plandev\BUILDING\ZBA\VARIATION BY ADDRESS\CARLETON\431 Carleton\Public Hearing Notices\PUBLIC NOTICE.docx

NOTICE OF PUBLIC HEARING

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Published in Daily Herald June 10, 2019 (4526516)

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, Medinal
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 in 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 10-JUN-19 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 Baltz

Designee of the Publisher and Officer of the Daily Herald

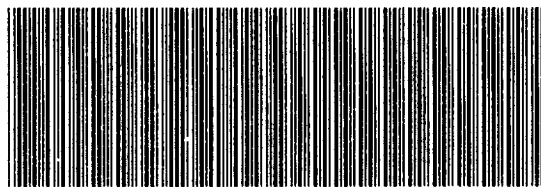
Control # 4526516

RECEIVED

JUN 14 2019

VILLAGE OF GLEN ELLYN

Attachment: 12. Certificate of Publication (4039 : 431 Carleton Avenue - Zoning Variation - Front Porch)

**FRED BUCHOLZ**

DUPAGE COUNTY RECORDER

SEP. 12, 2007

11:19 AM

OTHER

05 - 11 - 422 - 013

010 PAGES

R2007 - 169114

Village of Glen Ellyn

Ordinance No. 5592

An Ordinance Approving Variations from the
 Rear Yard Setback and Side Yard Setback
 Requirements of the
 Zoning Code to Allow the Construction of a
 Detached Garage
For Property at 431 Carleton Avenue

Adopted by the
 President and Board of Trustees
 Of the Village of Glen Ellyn
 DuPage County, Illinois
 this 23 day of July, 20 07.

Published in pamphlet form by the authority of the
 President and Board of Trustees of the Village of
 Glen Ellyn, DuPage County, Illinois, this 27
 day of July, 20 07.

PREPARED BY AND MAIL TO:
 VILLAGE OF GLEN ELLYN
 ATTN: VILLAGE CLERK
 535 Duane Street
 Glen Ellyn, IL 60137

Ordinance No. 5592

**An Ordinance Approving Variations from the
Rear Yard Setback and Side Yard Setback
Requirements of the
Zoning Code to Allow the Construction of a
Detached Garage
For Property at 431 Carleton Avenue**

Whereas, Rob and Ramona Clucas, owners of property at 431 Carleton Avenue, Glen Ellyn, Illinois, which is legally described as follows:

Lot 6 in Block 2 in Fairfield, Glen Ellyn, a subdivision in Section 11 and 14, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded June 15, 1914, as document 116853, in DuPage County, Illinois.

P.I.N.: 05-11-422-013

have petitioned the President and Board of Trustees of the Village of Glen Ellyn for two variations from the Glen Ellyn Zoning Code as follows:

1. Section 10-4-5(D)2 to allow the construction of a one-car detached garage within 10 feet of the principal structure to have a rear yard setback of 3 feet in lieu of the minimum required rear yard setback of 40 feet; and
2. Section 10-4-5(D)3 to allow the construction of a one-car detached garage within 10 feet of the principal structure to have a side yard setback of 3 feet in lieu of the minimum required side yard setback of 6.5 feet; and

Whereas, following due notice by publication in The Glen Ellyn News not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all property owners within 250 feet of the subject property at least ten (10) days prior thereto, and following the placement of a placard on the subject property not less than fifteen (15) days prior thereto, the Glen Ellyn Zoning Board of Appeals conducted a public hearing on June 26, 2007, at which the petitioners presented evidence, testimony, and exhibits in support of the variations requested and two persons spoke in favor of the requested variations and no persons appeared in opposition thereto; and

Whereas, based upon the evidence, testimony, and exhibits presented at the public hearing, the Zoning Board of Appeals adopted findings of fact and, by a vote of six “yes” and one “no,” recommended that the variations be approved as set forth in its Minutes dated June 26, 2007, appended hereto as Exhibit "A"; and

Whereas, the President and Board of Trustees have reviewed the exhibits and evidence presented at the aforementioned public hearing and have considered the findings of fact and recommendations of the Zoning Board of Appeals; and

Whereas, the President and Board of Trustees make the following findings of fact:

- A. This is the smallest and shallowest lot in this unique and particular area in Glen Ellyn;
- B. This is the only lot in the general area that does not have a detached garage or attached garage;
- C. The proposed garage is a single-car garage, which is modest in size;
- D. There is no other practical area on the lot to construct an attached garage or detached garage;
- E. The proposed garage will meet the minimum allowed side yard and rear yard setbacks of three feet for an accessory structure;
- F. The inside of the garage will be protected with drywall as required by the building code to provide fire safety;
- G. The proposed garage would be located adjacent to the neighbor’s detached garage and will not impact the neighbor’s property;
- H. The addition will match the character of the existing home and the essential character of the neighborhood; and

Whereas, the President and Board of Trustees, based on the aforementioned findings of fact, find it appropriate to grant the variations as recommended by the Zoning Board of Appeals.

Now, Therefore, be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in exercise of its home rule powers, as follows:

Section One: The Minutes of the Glen Ellyn Zoning Board of Appeals, Exhibit "A" appended hereto, are hereby accepted, and the findings of fact and conclusions set forth in the preamble above are hereby adopted as the findings of fact and conclusions of the corporate authorities of the Village of Glen Ellyn.

Section Two: Based upon the above findings of fact, the President and Board of Trustees hereby approve the following two variations from the Glen Ellyn Zoning Code:

1. Section 10-4-5(D)2 to allow the construction of a one-car detached garage within 10 feet of the principal structure to have a rear yard setback of 3 feet in lieu of the minimum required rear yard setback of 40 feet; and
2. Section 10-4-5(D)3 to allow the construction of a one-car detached garage within 10 feet of the principal structure to have a side yard setback of 3 feet in lieu of the minimum required side yard setback of 6.5 feet;

for the property at 431 Carleton Avenue, Glen Ellyn, Illinois, which is legally described as follows:

Lot 6 in Block 2 in Fairfield, Glen Ellyn, a subdivision in Section 11 and 14, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded June 15, 1914, as document 116853, in DuPage County, Illinois.

P.I.N.: 05-11-422-013.

Section Three: This grant of variations to construct a detached garage is conditioned upon the construction being in substantial conformance with the plans and the Application for Variation received May 31, 2007, and signed January 1, 2007, including:

- Proof of Ownership (Warranty Deed)
- Impervious area diagram

- Impervious Area Calculations
- Garage Plans (5 sheets)
- Plat of Survey prepared by Harold Steinbrecher dated April 27, 1987

Section Four: The Building and Zoning Official is hereby authorized and directed to issue building permits for the subject property, consistent with the variations granted herein, provided that all conditions set forth hereinabove have been met and that the proposed construction is in compliance with all other applicable laws and ordinances. This grant of variations shall expire and become null and void eighteen (18) months from the date of passage of this Ordinance unless a building permit to begin construction in reliance on these variations is applied for within said eighteen (18)-month time period and construction is continuously and vigorously pursued provided, however, the Village Board, by motion, may extend the period during which permit application, construction, and completion shall take place.

Section Five: The Village Clerk is hereby authorized and directed to cause a copy of this Ordinance approving the variations to be recorded with the DuPage County Recorder of Deeds.

Section Six: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form.

Section Seven: Failure of the owner or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of said Ordinance, shall subject the owner or party in interest to the penalties set forth in Section 10-10-18 "A" and "B" of the Village of Glen Ellyn Zoning Code.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this 23 day of July, 2007.

Ayes: Lee, Naiton, Armstrong, Comerford, Lodesic,
Tharsell

Nays: - 0 -

Absent: - 0 -

Approved by the Village President of the Village of Glen Ellyn, Illinois, this 23 day of
July, 2007.

Vicky Lase
Village President of the
Village of Glen Ellyn, Illinois

Attest:

Andrea Alraths
Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the 27 day of July, 2007).

X:\Plandev\PLANNING\VARIATIONS\ORD\CARLETON431-REAR,SIDE.doc

Attachment: 13. Ordinance 5592 - 7-23-2007 (4039 : 431 Carleton Avenue - Zoning Variation - Front Porch)

Exhibit "A"

ZONING BOARD OF APPEALS
MINUTES
JUNE 26, 2007

The meeting was called to order by Chairman Rick Garrity at 7:30 p.m. Board Members Gregory Constantino, Barbara Fried, Edward Kolar, Mary Ozog, Dale SiligmueLLer and Michael Waterman were present. Also present were Trustee Liaison Sara Lee and Building and Zoning Official Dale Wilson.

Chairman Garrity described the procedures of the Zoning Board of Appeals. One continuation of a public hearing at 388 Hill Avenue and two public hearings at 431 Carleton Avenue and 323 Cumnor Avenue were on the agenda.

Ms. Fried moved, seconded by Mr. SiligmueLLer, to approve the minutes of the April 10, 2007 meeting. The motion carried by voice vote.

CONTINUATION OF PUBLIC HEARING - 388 HILL AVENUE

A REQUEST FOR TWO (2) VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-5(D)2 TO ALLOW THE CONSTRUCTION OF A TWO-STORY ADDITION THAT REDUCES THE REAR YARD SETBACK FROM 33.62 FEET TO 20.67 FEET IN LIEU OF THE MINIMUM REQUIRED REAR YARD SETBACK OF 40 FEET. 2. SECTION 10-4-5(E)1 TO ALLOW THE CONSTRUCTION OF A TWO-STORY ADDITION THAT INCREASES THE EXISTING LOT COVERAGE RATIO FROM 17.8% TO 21.3% IN LIEU OF THE MAXIMUM PERMITTED LOT COVERAGE RATIO OF 20%.

(Geoffrey and Kristen Trippel)

Motion

Mr. Kolar moved, seconded by Ms. Fried, to continue the public hearing to the July 24, 2007 Zoning Board of Appeals meeting. *(The continuation was due to a scheduling conflict with the applicant).* The motion carried unanimously by voice vote.

PUBLIC HEARING – 431 CARLETON AVENUE

A REQUEST FOR TWO (2) VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-5(D)3 TO ALLOW THE CONSTRUCTION OF A ONE-CAR DETACHED GARAGE WITHIN 10 FEET OF THE PRINCIPAL STRUCTURE TO HAVE A REAR YARD SETBACK OF 3 FEET IN LIEU OF THE MINIMUM REQUIRED REAR YARD SETBACK OF 40 FEET. 2. SECTION 10-4-5(D)3 TO ALLOW THE CONSTRUCTION OF A ONE-CAR DETACHED GARAGE WITHIN 10 FEET OF THE PRINCIPAL STRUCTURE TO HAVE A SIDE YARD SETBACK OF 3 FEET IN LIEU OF THE MINIMUM REQUIRED SIDE YARD SETBACK OF 6.5 FEET.

(Rob and Ramona Clucas)

Staff Introduction

Building and Zoning Official Dale Wilson described the location of the subject property and stated that the petitioners are seeking approval of two variations to construct a one-car detached garage. Mr. Wilson displayed a site plan and indicated the existing home and the proposed one-car detached garage. He stated that the subject lot is very shallow at 74.1 feet deep. Mr. Wilson explained that when an accessory structure is closer than 10 feet to a principal structure, the same setbacks must be met as the principal structure. The subject proposed garage is within 10 feet of the existing single-family home; therefore, the required rear yard setback is 40 feet and the required side yard setback along the north side of the property is 6.5 feet. The petitioners are asking for a rear yard setback of 3 feet and a side yard setback of 3 feet in order to construct the garage. Mr. Wilson stated that no variations would be necessary if the garage could be built farther than 10 feet from the principal structure. Mr. Wilson also added that because the house would be within 20 feet of the proposed garage, the inside of the garage will need to be drywalled as a fire protective measure.

Petitioners' Presentation

Rob and Ramona Clucas, the petitioners, were present. Ms. Clucas stated that they do not currently have a garage and felt that adding a garage would be aesthetically pleasing because their driveway ends into vacant space next to their neighbor's garage. Ms. Clucas added that their home is extremely small and they need storage space. The Clucas' have lived in their home for 16 years, love the area and do not want to move.

Responses to Questions from the ZBA

Mr. Wilson responded to Mr. Kolar that the petitioners are allowed a 500-square foot bonus for the proposed detached garage. Ms. Clucas responded to Chairman Garrity that because of the size of the lot, the proposed location is the only available space on the site to locate a garage. In response to Mr. Constantino, Mr. Clucas stated that the proposed 20-foot depth of the garage is standard. Mr. Wilson responded to Mr. Kolar that the proposed garage is approximately one foot behind the rear of the existing house.

Ms. Clucas responded to Mr. Kolar that the construction of a garage would help protect their cars from winter conditions. Ms. Clucas responded to Ms. Fried that they may keep the shed for additional storage.

Mr. and Ms. Clucas responded to Mr. Siligmueller that the neighbors are in support of the proposed garage and that they have received no negative feedback regarding the project.

Persons in Favor of or in Opposition to the Petition

William Bonebrake, 437 Carleton Avenue, Glen Ellyn, Illinois, who lives next door to the petitioners, spoke in support of the variation requests. Mr. Bonebrake displayed a photograph of his home and garage and indicated where the Clucas' proposed garage

would be located. Mr. Bonebrake was in favor of the variation requests and felt that the small size of the house and lot is a hardship. He added that the Clucas' will be able to clean up their yard as they can use the garage for storage and trash and recycle bins. Mr. Bonebrake displayed his plat of survey and indicated his setbacks which show his garage to be closer to his house than the Clucas' proposed garage will be. Mr. Bonebrake added that many houses and lots in the neighborhood are similar in size to the Clucas' property. Mr. Bonebrake responded to Ms. Ozog that he believes his garage was constructed at the same time as the construction of the house.

Jonathan Trice, 447 Carleton Avenue, Glen Ellyn, Illinois spoke in support of the variation requests. Mr. Trice stated that the homes on small lots in the subject neighborhood were built before zoning regulations were in place. He believed that if the homes aren't allowed to have garages, the smaller quaint homes which are of value to the community could potentially fall into disrepair due to circulating tenants.

Comments from the ZBA

All but one of the ZBA members were in favor of the variation requests as the subject house is the only house in the neighborhood without a garage and the lot (as well as other lots on Carleton Avenue) is unique due to its shallow depth. One practical difficulty noted was a lack of storage because the property does not have a garage. Mr. SiligmueLLer indicated that a 3-foot setback is normal for a conforming lot; therefore, the ZBA members felt that the proposed garage would not adversely affect the surrounding neighborhood. Mr. Kolar was concerned regarding fire safety issues because the houses and garages in the neighborhood are so close. He recommended that the fire department report to the Village Board with an opinion on the subject. Mr. Kolar added that the homes in the subject neighborhood are starter homes.

Motion

Ms. Fried moved, seconded by Mr. Waterman, to recommend that the Village Board grant two variations from the Glen Ellyn Zoning Code as follows: 1. Section 10-4-5(D)3 to allow the construction of a one-car detached garage within 10 feet of the principal structure with a rear yard setback of 3 feet in lieu of the minimum required rear yard setback of 40 feet. 2. Section 10-4-5(D)3 to allow the construction of a one-car detached garage within 10 feet of the principal structure with a side yard setback of 3 feet in lieu of the minimum required side yard setback of 6.5 feet. The recommendation for approval was based on the findings of fact that the extremely small and shallow lot is a unique circumstance, no construction could be done on the lot without a variation, and a 3-foot setback would be allowed in a standard conforming lot. The recommendation for approval was based on the condition that the plans are carried out in substantial compliance with those submitted at this public hearing.

The motion carried with six (6) "yes" votes and one (1) "no" vote as follows: Mr. Constantino, Ms. Fried, Ms. Ozog, Mr. SiligmueLLer, Mr. Waterman and Chairman Garrity voted yes; Mr. Kolar voted no.



CERTIFICATION

I, Andrea Draths, duly elected Village Clerk of the Village of Glen Ellyn, Illinois, do hereby certify that the attached is the true original copy of Ordinance No. 5592, passed by the Board of Trustees of the Village of Glen Ellyn, Illinois, at the Regular Meeting of said Board held on the 23 day of July, 2007, and that the same was signed and approved by the President of said Village on the 23 day of July, 2007.

I do further certify that the original is entrusted to me as Village Clerk of said Village for safekeeping and that I am the lawful custodian and keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Glen Ellyn, Illinois, this 30 day of July, 2007.

Andrea Draths
Village Clerk

CORPORATE SEAL