



Agenda
Village of Glen Ellyn
Zoning Board of Appeals Meeting
Tuesday, December 8, 2020
7:00 PM
Virtual Meeting via Zoom

This meeting will be conducted by audio or video conference without a physically present quorum of the Glen Ellyn Zoning Board of Appeals because of a disaster declaration related to COVID-19 and public health concerns affecting the Village of Glen Ellyn. The Chairperson of the Zoning Board of Appeals has determined that an in-person meeting at the Civic Center is not practical or prudent because of the disaster. The Chairperson, members of the Zoning Board of Appeals, Village Manager, and Village Attorney will not be physically present at the Civic Center because their attendance is unfeasible due to the disaster. Physical attendance at the Civic Center by the public is also not feasible because of the disaster.

Please click the link below to join the webinar:

*<https://us02web.zoom.us/j/84874590291?pwd=TXlxcGtIRmtXK2FQMmg3eHFOU2VpUT09>
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+16465588656,,84874590291#,,,,,0#,,234012#*

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- A. Call to Order**
- B. Chairperson's Statement of Remote Meeting Procedures**
- C. Allow Remote Participation of ZBA Members (roll call vote)**
- D. Approval of Draft Minutes from November 10, 2020 Zoning Board of Appeals Meeting**
 - 1) November 10, 2020 Zoning Board of Appeals Draft Meeting Minutes
- E. New Business**
 - 1) A Public Hearing Concerning a Zoning Variation Request for the Property Located at 554 N. Park Boulevard
 - 2) A Public Hearing Concerning a Zoning Variation Request for the Property Located at 73 Newton Avenue
- F. Village Board Trustee Report**
- G. Chairperson's Report**
- H. Staff Report**

I. Adjournment



**Glen Ellyn Zoning Board of
Appeals**

535 Duane Street
Glen Ellyn, IL 60137

Meeting 12/8/2020 7:00 PM
Department: Community Development
Department Head: Staci Springer
Category: Minutes
Prepared By: Katie Ashbaugh

**AGENDA ITEM (ID
2020-718)**

DOC ID: 2020-718

November 10, 2020 Zoning Board of Appeals Draft Meeting Minutes

Statement of the Issue:

Please see draft meeting minutes.

Analysis:

Please see draft meeting minutes.

Budget Impact:

Please see draft meeting minutes.

Action Requested:

Please see draft meeting minutes.

Attachments:

1. November 10, 2020 Zoning Board of Appeals Draft Meeting Minutes

DRAFT MINUTES
ZONING BOARD OF APPEALS
NOVEMBER 10, 2020

The meeting was called to order by ZBA Chairperson Gregory Constantino at 7:07 p.m. Zoning Board of Appeals Members Katie Crudele, Matt Jones, Reed Panther and Thomas Whalls were present. ZBA Member Michelle Covington joined the meeting at 7:37 p.m. ZBA Member Chip Miller was excused. Also present were Planning Manager Kelly Purvis, Planner Katie Ashbaugh, Senior Civil Engineer Amy McKenna, Trustee Liaison Kelli Christiansen and Recording Secretary Lindsey Kaminsky.

Chairperson Constantino stated tonight's meeting is called pursuant to notice by statue that was published in the Daily Herald on October 26, 2020 and all property owners affected by the variations being requested were notified by mail.

Chairperson Constantino stated this meeting will be conducted by audio or video conference without a physically present quorum of the Glen Ellyn Zoning Board of Appeals (ZBA) because of a disaster declaration related to COVID-19 and public health concerns affecting the Village of Glen Ellyn. The Chairperson of the Zoning Board of Appeals has determined that an in-person meeting at the Civic Center is not practical or prudent because of the disaster. The Chairperson, members of the Zoning Board of Appeals, Village Manager, and Village Attorney will not be physically present at the Civic Center because their attendance is unfeasible due to the disaster. Physical attendance at the Civic Center by the public is also not feasible because of the disaster.

Chairperson Constantino stated it is important that the cases scheduled tonight be heard to continue critical Village business which will enable ongoing construction, development, protection of property values, and the promotion of the Village's economic vitality.

Chairperson Constantino stated the Glen Ellyn Zoning Board of Appeals is advisory in nature and the actual variances that are being requested can only be granted by the Village of Glen Ellyn Board of Trustees. The ZBA's function is to listen to whatever testimony is offered by the petitioner and others. We take significant evidence, agree on the facts which we have found from the evidence, consider and deliberate among ourselves and then we make a recommendation to the Village Board.

Chairperson Constantino stated if the ZBA makes a recommendation favorable to the granting of the variation(s) requested, then the Village Board requires a majority vote for the final approval of the ordinance to grant the variation(s). If the ZBA makes a recommendation to deny the requested variation(s), it would then require a two-thirds vote of the Trustees of the Glen Ellyn Village Board to pass an ordinance approving the variation(s) requested.

MOTION TO ALLOW REMOTE PARTICIPATION

ZBA Member Crudele moved, seconded by ZBA Member Whalls, to allow the members of the ZBA to participate remotely. The motion was carried by roll call vote with 5 "yes" votes and 0 "no" vote. The "yes" votes are as follow: ZBA Chairperson Constantino, ZBA Member Crudele, ZBA Member Jones, ZBA Member Panther and ZBA Member Whalls.

MINUTES

ZBA Member Whalls moved, seconded by ZBA Member Crudele, to approve the minutes of the October 27, 2020 meeting. The motion was carried by roll call vote with 5 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Crudele, ZBA Member Jones, ZBA Member Panther and ZBA Member Whalls.

On the agenda was a public hearing regarding the property located at 717 Amber Ridge Avenue and a public hearing regarding the property located at 410 Spring Avenue.

ZBA Chairperson Constantino stated all members of the Zoning Board of Appeals have visited both properties and are familiar with the plans that were submitted.

A motion was made by ZBA Member Jones and seconded by ZBA Member Crudele to open the public hearing for 717 Amber Ridge Avenue at 7:16 p.m. The motion was carried by roll call vote with 5 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Crudele, ZBA Member Jones, ZBA Member Panther and ZBA Member Whalls.

PUBLIC HEARING – 717 AMBER RIDGE AVENUE

PETITIONER MICHAEL SULLIVAN IS REQUESTING APPROVAL FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-5-4(A)(4)(B) TO ALLOW AN EXISTING SHED CLOSER THAN (TEN) 10 FEET TO THE PRINCIPAL STRUCTURE TO ENCROACH INTO THE REQUIRED INTERIOR SIDE YARD IN THE R2 RESIDENTIAL DISTRICT. 2. SECTION 10-4-8(D)(3) TO ALLOW AN EXISTING SHED TO BE APPROXIMATELY SEVEN (7) INCHES FROM THE EAST INTERIOR SIDE LOT LINE WHERE AN INTERIOR SIDE YARD SETBACK OF APPROXIMATELY SEVEN (7) FEET THREE (3) INCHES IS REQUIRED WHEN THE ACCESSORY STRUCTURE IS LOCATED CLOSER THAN 10 FEET FROM THE PRINCIPAL STRUCTURE IN THE R2 RESIDENTIAL DISTRICT. 3. ANY OTHER ZONING RELIEF NECESSARY TO CONSTRUCT THE PROJECT AS DEPICTED ON THE PLAN PRESENTED OR REVISED AT THE PUBLIC HEARING OR AT A PUBLIC MEETING OF THE VILLAGE BOARD.

(Michael Sullivan, owner of the property located at 717 Amber Ridge Avenue.)

Staff Presentation

Planner Katie Ashbaugh was present to speak regarding the proposed variation request and was sworn in.

Planner Ashbaugh stated the petitioner is Michael Sullivan, owner of the property at 717 Amber Ridge Avenue. She described the subject property, 717 Amber Ridge Avenue, as an interior lot located on the south side of Amber Ridge Avenue, mid-block between the intersection of S. Montclair Avenue to the west and the north-south segment of Amber Ridge Avenue. She continued that the subject property, the properties to the north, east and west are all zoned R2 – Residential District and are all

improved with single family homes. She said the property to the south across Sheehan Avenue is also zoned R2-Residential District and is occupied by Glen Crest Middle School.

Planner Ashbaugh stated the petitioner is requesting a recommendation of approval of the following variations from the Glen Ellyn Zoning Code:

1. Section 10-5-4(A)(4)(b) to allow an existing shed closer than (ten) 10 feet to the principal structure to encroach into the required interior side yard in the R2 Residential District;
2. Section 10-4-8(D)(3) to allow an existing shed to be approximately seven (7) inches from the east interior side lot line where an interior side yard setback of approximately seven (7) feet three (3) inches is required when the accessory structure is located closer than 10 feet from the principal structure in the R2 Residential District; and
3. Any other zoning relief necessary to construct the project as depicted on the plans presented or revised at the public hearing or at a public meeting of the Village Board.

Planner Ashbaugh stated the Village does not have records of any prior variations being granted for the subject property.

Planner Ashbaugh stated the existing single-family home was constructed in 2015. She said that a fence, patio, shed, and lawn sprinklers were installed in between 2016 and 2018 per permit records. She said that in October 2019, the petitioner and current homeowner filed a building permit application for the installation of a six (6) by eight (8) foot shed to replace an existing shed on the property. She stated that sheds are issued as over the counter permits. She said that Section 10-5-5(B)(4) #29, allows sheds to encroach in the required interior side yard, however, Section 10-5-4(A)(4)(b), states that accessory structures closer than ten (10) feet to the principal structure must comply with required interior side yard setback in the district (in this case 7 feet 2 inches).

Planner Ashbaugh stated as an over the counter permit involving a lesser scope of work, such as when no foundation being poured, this plan for the subject shed at the time was not reviewed as closely as other accessory structure permit applications. She stated that staff did not note the additional setback requirement for accessory structures closer to the principal structure than 10 feet. She said the petitioner had intended the location of the new shed to be the same as the previously installed shed. She also said that the previous shed was actually much closer to the east property line than was indicated on the plat proposing the location of the new shed. She continued that the previous permit application filed for a shed in 2017 expired and was never picked up, so the previously existing shed was likely installed without a permit in the non-compliant and unapproved location. She said that the October 2019 permit application was erroneously issued and the shed subsequently installed a second time in approximately the same non-compliant location. Upon final inspection in January 2020, staff discovered the non-compliant location. The petitioner was informed that a construction necessitated zoning variation would be required to allow the shed to remain in its current location, or they could relocate the shed to a compliant location.

Planner Ashbaugh stated the existing shed is proposed to remain approximately seven (7) inches from the east interior side lot line where a distance of seven (7) feet two (2) inches is required. Staff notes that 717 Amber Ridge is a through-lot with two front yards. She said that the shed could not be located in what is functionally the rear yard of the home without the granting of a variation.

Questions from the Zoning Board of Appeals

ZBA Member Crudele asked if a permit was issued for the previous shed's location. Planner Ashbaugh stated the previous owner applied for a permit, but it was never finalized. Planner Ashbaugh stated the previous shed was most likely built without an approved permit.

ZBA Chairperson Constantino asked if the current shed was built to match the plans that were provided to the Community Development Department when the permit was issued. Planner Ashbaugh stated it was not, and there is a difference between the approved plans. Planner Ashbaugh also noted the permit should have not been issued regardless.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation was Michael Sullivan, owner of the property located at 717 Amber Ridge Avenue.

Mr. Sullivan stated he bought the property 1.5 years ago, and was happy to have a pre-framed area of where the previous shed was. Mr. Sullivan stated he went to the Village of Glen Ellyn to get the required permit, and did not purchase the shed until the permit was issued by the Village. Mr. Sullivan stated he found out about two months later from the Village that the shed was not allowed to remain in that location. Mr. Sullivan stated he then worked with Planner Ashbaugh to see what can be done to keep the shed at its current location. Mr. Sullivan stated the shed is necessary for storage.

Additional Questions from the Zoning Board of Appeals

ZBA Member Panther asked if the shed could be taken apart and reassembled somewhere else on the property. Mr. Sullivan stated he could hire a professional for that, but there is no other location for the shed to be placed.

ZBA Member Whalls asked why the shed was not built at the location marked on the plans when the permit was issued. Mr. Sullivan stated he did not mark the location of the shed correctly on the plans, which was a misunderstanding and miscommunication.

ZBA Chairperson Constantino asked if there is anywhere else on the property where the shed could be located. Mr. Sullivan stated there is not.

Persons in Favor of or in Opposition to the Variation Requests

Keith Warner, who resides at 710 Amber Ridge Avenue, was sworn in. Mr. Warner stated the shed located in the backyard is not very egregious in terms of the Village's Zoning Code. Mr. Warner also stated he fully supports keeping the shed where it is currently located.

ZBA Chairperson Constantino asked if Mr. Warner would agree that you can see very little of the shed as it is hidden by the fence. Mr. Warner stated this is correct.

Carolina Mahrle, who resides at 725 Amber Ridge Avenue, was sworn in. Ms. Mahrle stated she is the immediate neighbor to the petitioner. Ms. Mahrle stated the shed is very nice, and is painted to match the home on the property. Ms. Mahrle stated she fully supports keeping the shed where it is currently located.

Findings of Fact

ZBA Member Panther stated the following findings of fact: the property in question is 717 Amber Ridge Avenue; the owner and petitioner is Michael Sullivan; the petitioner is requesting variations from Section 10-5-4(A)(4)(b) to allow an existing shed closer than (ten) 10 feet to the principal structure to encroach into the required interior side yard in the R2 Residential District, Section 10-4-8(D)(3) to allow an existing shed to be approximately seven (7) inches from the east interior side lot line where an interior side yard setback of approximately seven (7) feet three (3) inches is required when the accessory structure is located closer than 10 feet from the principal structure in the R2 Residential District; and any other zoning relief necessary to construct the project as depicted on the plans presented or revised at the public hearing or at a public meeting of the Village Board.

ZBA Member Panther continued the findings of fact: the ZBA heard from Planner Ashbaugh, who indicated the subject property, the properties to the north, east and west are all zoned R2 – Residential District and are all improved with single family homes; the property to the south across Sheehan Avenue is also zoned R2-Residential District and is occupied by Glen Crest Middle School; there have been no prior variations approved for this property; the home was constructed in 2015; a permit was requested for a shed of approximately six feet by 8 feet to replace a prior shed on the property; the previous shed was permitted, but the permit was never closed out and was likely installed out of compliance; it was indicated this is a through lot, which limits the location on the property where the shed can be placed; the permit request was to place the shed against the home, but that would have also not been allowed based on the interpretation of the Zoning Code; it was indicated that if a shed is placed 10 feet away from the principal structure a setback of three feet is required.

ZBA Member Panther continued the findings of fact: the ZBA heard from petitioner Michael Sullivan, owner of the property, who indicated the previous owners did take the shed with them, however, the existing shed pad was left; there are no other viable locations on the property to locate the shed due to being a thru lot; and that they needed the shed on the property for storage.

ZBA Member Panther continued the findings of fact: the ZBA then heard from Keith Warner, property owner of 710 Amber Ridge Avenue, who indicated that he is in full support of the project and indicated the shed is barely visible from the front due the fence and landscaping in place.

ZBA Member Panther continued the findings of fact: the ZBA then heard from Carolina Mahrle, property owner of 725 Amber Ridge Avenue, who indicated that she is in full support of the project and indicated the shed looks great and is barely visible from her property.

Motion

ZBA Member Whalls moved, seconded by ZBA Member Covington that the Zoning Board of Appeals recommend to approve of the Findings of Fact. The motion was carried by roll call vote with 6 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington, ZBA Member Crudele, ZBA Member Jones, ZBA Member Panther and ZBA Member Whalls.

Additional Comments from the Zoning Board of Appeals

ZBA Member Covington stated she has no issues as the shed and shed pad were previously in the same location on the property.

ZBA Member Crudele stated she does not have any issues with this request as the Village issued a permit for the shed. ZBA Member Crudele also stated it is a beautiful shed and the petitioner has the support of his neighbors.

ZBA Member Jones stated he is in support of the variation.

ZBA Member Panther stated he is in support of the variation and the thru lot creates a hardship.

ZBA Member Whalls stated he is in support of the variation as the Village issued a permit for the shed.

ZBA Chairperson Constantino stated he is in support of the variation and noted the hardship of the thru lot and the cost to relocate the structure. ZBA Chairperson Constantino also noted the shed is barely visible.

Motion

A motion was made by ZBA Member Jones and seconded by ZBA Member Covington to close the public hearing for 717 Amber Ridge Avenue at 7:48 p.m. The motion was carried by roll call vote with 6 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington, ZBA Member Crudele, ZBA Member Jones, ZBA Member Panther and ZBA Member Whalls.

A motion was made by ZBA Member Jones and seconded by ZBA Member Panther as follows:

Having considered the application of Michael Sullivan, owner of the property located at 717 Amber Ridge Avenue, Glen Ellyn, for two construction necessitated zoning variations to allow an existing shed closer than (ten) 10 feet to the principal structure to encroach into the required interior side yard and to allow an existing shed to be approximately seven (7) inches from the east interior side lot line where an interior side yard setback of approximately seven (7) feet three (3) inches is required so that an existing shed can remain on the property located at 717 Amber Ridge Avenue, an interior lot in the R2 – Residential District, as depicted on the plans presented or revised at the public hearing or at a

public meeting of the Village Board, the Zoning Board of Appeals hereby adopts the findings of fact in the petitioner's application packet and presented by the petitioner at the Zoning Board of Appeals public hearing conducted on November 10, 2020, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL of the requested construction necessitated zoning variations from Sections 10-5-4(A)(4)(b) and 10-4-8(D)(3) of the Glen Ellyn Zoning Code due to the following hardship(s) or unique circumstance(s):

1. The home is built on a thru lot, which limits the ability to build a shed elsewhere on the lot.

The motion was carried by roll call vote with 6 "yes" votes and 0 "no" vote. The "yes" votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington, ZBA Member Crudele, ZBA Member Jones, ZBA Member Panther and ZBA Member Whalls.

A motion was made by ZBA Member Whalls and seconded by ZBA Member Covington to open the public hearing for 410 Spring Avenue at 7:52 p.m. The motion was by roll call vote carried with 6 "yes" votes and 0 "no" vote. The "yes" votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington, ZBA Member Crudele, ZBA Member Jones, ZBA Member Panther and ZBA Member Whalls.

PUBLIC HEARING – 410 SPRING AVENUE

PETITIONER PIERRE BISET IS REQUESTING APPROVAL FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-5-5(B)(4) #18.C.1 TO ALLOW EXISTING IMPERVIOUS SURFACES TO COVER APPROXIMATELY 1,809 SQUARE FEET, OR 61 PERCENT OF THE REQUIRED REAR YARD, WHERE ONLY UP TO 50 PERCENT, OR APPROXIMATELY 1,505 SQUARE FEET, OF THE REQUIRED REAR YARD IS PERMITTED TO BE COVERED BY IMPERVIOUS SURFACES. 2. SECTION 10-5-5(B)(4) #37 TO ALLOW AN EXISTING PATIO TO BE APPROXIMATELY FIVE (5) FEET FROM THE NORTH INTERIOR SIDE LOT LINE WHERE AN INTERIOR SIDE YARD SETBACK OF SEVEN (7) FEET SIX (6) INCHES IS REQUIRED. 3. SECTION 10-5-5(B)(4) #28 TO ALLOW AN EXISTING PATIO TO BE APPROXIMATELY SEVEN (7) FEET ONE (1) INCH FROM THE WEST REAR LOT LINE WHERE A REAR YARD SETBACK OF SEVEN (7) FEET SIX (6) INCHES IS REQUIRED. 4. SECTION 10-5-5(B)4 #8 TO ALLOW AN EXISTING DECK TO BE APPROXIMATELY FIVE (5) FEET EIGHT (8) INCHES FROM THE NORTH INTERIOR SIDE LOT LINE WHERE AN INTERIOR SIDE YARD SETBACK OF SEVEN (7) FEET SIX (6) INCHES IS REQUIRED. 5. SECTION 10-5-5(B)(4) #34 TO ALLOW EXISTING STAIRS TO BE APPROXIMATELY FIVE (5) FEET THREE (3) INCHES FROM THE NORTH INTERIOR SIDE LOT LINE WHERE AN INTERIOR SIDE YARD SETBACK OF SEVEN (7) FEET SIX (6) INCHES IS REQUIRED. 6. SECTION 10-5-5(B)(4) #38 TO ALLOW AN EXISTING RETAINING WALL TO BE APPROXIMATELY TWO (2) FEET FROM THE NORTH INTERIOR SIDE LOT LIEN WHERE A SETBACK OF EITHER THREE (3) FEET NINE (9) INCHES OR SEVEN (7) FEET SIX (6) INCHES IS REQUIRED. 7. ANY OTHER ZONING RELIEF NECESSARY TO CONSTRUCT THE PROJECT AS DEPICTED ON THE PLANS PRESENTED OR REVISED AT THE PUBLIC HEARING OR PUBLIC MEETING OF THE VILLAGE BOARD.

(Pierre Biset, owner of the property located at 410 Spring Avenue)

Staff Presentation

Planner Katie Ashbaugh and Senior Civil Engineer Amy McKenna were present to speak regarding the proposed variation request and was sworn in.

Planner Ashbaugh stated the petitioner is Pierre Biset, owner of the property at 410 Spring Avenue. She described the subject property, 410 Spring Avenue, as an interior lot, located on the west side of Spring Avenue, mid-block between the Hill Avenue and Glen Oak Avenue intersections. She said the subject property and the properties to the north, west and south are all zoned R2- Residential District and are all improved with single-family homes. She said that the property to the east across Spring Avenue is unincorporated DuPage County and is the location of the Glen Oak Country Club.

Planner Ashbaugh stated the petitioner is requesting a recommendation of approval of the following variations from the Glen Ellyn Zoning Code:

1. Section 10-5-5(B)(4) #18.c.1 to allow existing impervious surfaces to cover approximately 1,809 square feet, or 61 percent of the required rear yard, where only up to 50 percent, or approximately 1,505 square feet, of the required rear yard is permitted to be covered by impervious surfaces;
2. Section 10-5-5(B)(4) #37 to allow an existing patio to be approximately five (5) feet from the north interior side lot line where an interior side yard setback of seven (7) feet six (6) inches is required;
3. Section 10-5-5(B)(4) #28 to allow an existing patio to be approximately seven (7) feet one (1) inch from the west rear lot line where a rear yard setback of seven (7) feet six (6) inches is required;
4. Section 10-5-5(B)(4) #8 to allow an existing deck to be approximately five (5) feet eight (8) inches from the north interior side lot line where an interior side yard setback of seven (7) feet six (6) inches is required;
5. Section 10-5-5(B)(4) #34 to allow existing stairs to be approximately five (5) feet three (3) inches from the north interior side lot line where an interior side yard setback of seven (7) feet six (6) inches is required;
6. Section 10-5-5(B)(4) #38 to allow an existing retaining wall to be approximately two (2) feet from the north interior side lot line where a setback of either three (3) feet nine (9) inches or seven (7) feet six (6) inches is required; and
7. 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.

Planner Ashbaugh stated on June 14, 1993, the Village adopted Ordinance 4025-Z. This granted approval of a zoning variation to allow a second-floor addition to the existing single-family home to have a 25 foot 6 inch rear yard setback where a 40 feet rear yard setback was required.

Planner Ashbaugh described the permit history for the subject property, which included permit X-926, which allowed the construction of single-family home in 1927. She continued that in 1983, electrical work was completed and then 10 years later in 1993, a zoning variation to allow the

aforementioned second-floor addition was approved. She said that a plat of survey dated June 6, 1983, shows the original footprint of the home with this encroachment. She said that because this encroachment was nonconforming in 1993, the variation was required to enlarge the encroachment with the second-floor addition. She said that a subsequent building permit application was filed and approved that same year. She said that in 1998 and 2007, sewer repairs were completed. In 2012, alteration and remodeling was completed, and in November 2019, a new fence was installed.

Planner Ashbaugh stated on August 8, 2019, the petitioner filed a building permit to install a new deck, stairs leading up to the deck, a patio, and a retaining wall. She said that on August 26, 2019, staff sent rejection letters pertaining to building, zoning, and stormwater code requirements and referred to those in the meeting materials provided to the ZBA. She said that in the zoning review, the proposed deck, stairs, and patio did not comply with the required interior side and rear yard setbacks. She also said that in the stormwater review specifically, staff noted neither the net new impervious surface nor the height of the proposed retaining walls were provided. She said that the stormwater review letter also stated that if the retaining walls were 3 feet or taller in height, a structural engineer's certification would be required.

Planner Ashbaugh continued the project history and said that on October 1, 2019, the petitioner filed their second submittal in response to the review comments and that on October 9, 2019, the plans were approved. She said that on the approved plan, the retaining wall was no longer shown in the scope of work. She said that the approved size of the patio was 15 by 24 feet, or 360 square feet in area and the approved size of the deck was 18.16 by 11 feet, or approximately 200 square feet in area.

Planner Ashbaugh said that on November 6, 2019, the petitioner applied for and was issued a separate permit to install a new fence and on January 7, 2020, the new fence passed its final inspection and the permit was closed. She said that on April 14, 2020, staff conducted a final inspection for the new deck, stairs, and patio as approved on October 9, 2019, and it was during this inspection staff determined that the deck, stairs, and patio were not installed per the approved plans and the petitioner failed the inspection.

Planner Ashbaugh stated on July 28, 2020, the petitioner first initiated contact with Planner Ashbaugh to inquire about the construction necessitated zoning variation process. She said that on September 9, 2020, the petitioner requested a permit extension, which was approved and will expire on February 9, 2021.

Planner Ashbaugh provided details regarding the existing conditions on the property, including the work requiring the zoning variations in consideration.

Installed Patio

Planner Ashbaugh first described the variations required for the patio as installed. She said that to allow the patio to remain as it was installed, that an interior side yard variation, rear yard variation, and impervious surface variation is required. She said that only 50 percent of the required rear yard could be covered with impervious surface, or 1,505 square feet. She said the existing patio resulted in a total of 1,809 square feet, or 61 percent. She also said the required interior side and rear yard setbacks were

7 feet 6 inches, but the existing patio was 5 feet from the north interior side lot line and 7 feet from the west rear lot line.

Installed Deck

Planner Ashbaugh said the deck as it was installed required one variation to allow it to remain. She said that it was required to be 7 feet 6 inches from the north interior side lot line and that the approved permit plan indicated that the deck would be installed in compliance with this. She said that the petitioner instead installed the deck 5 feet 8 inches from the north interior side lot line.

Installed Stairs

Planner Ashbaugh said that stairs leading to the deck as they were installed required one required one variation to remain. She said that it they were required to be 7 feet 6 inches from the north interior side lot line and that the approved plan showed that they would be compliant. She said that the petitioner instead installed the deck 5 feet 3 inches from the north interior side lot line.

Installed Retaining Wall

Planner Ashbaugh said that retaining walls which are 36 inches or less in height must be 3 feet 9 from all adjacent lot lines on this property, and must be 7 feet 6 inches from all adjacent lot lines if taller than 36 inches. She said that in the first set of review comments for this permit that Senior Civil Engineer McKenna had asked for the height of the retaining wall to be shown. She said that on the second submittal of the permit application, that the retaining wall no longer proposed or part of the work to be installed.

Planner Ashbaugh said that on the current plat of survey submitted as part of the construction necessitates zoning variation application documented the existence of the retaining wall of which staff was not previously aware. She said that the height of the retaining wall is still not known, but that it is 2 feet from the north interior side lot line and therefore also requires a variation.

She continued that when staff made the petitioner aware of this, that the petitioner indicated in correspondence that they believed that the retaining wall could not be located closer to the existing house due to the placement of an existing sewer line. Planner Ashbaugh said that Community Development Department and Public Works staff all evaluated this presumed condition and confirmed that an existing sewer line does in fact run beneath the lot line separating 410 and 416 Spring Avenue. She said that staff also confirmed that this sewer line is not located within an existing public utility easement and that Public Works Director John Hubsy stated that if the wall is to remain, that it is in conflict with the area in which the Village would need to dig to perform maintenance. She said that Director Hubsy said that an indemnification agreement with the Village should be required should the variation be approved for the retaining wall. She said that the draft motion to recommend approval suggests this as one of the conditions. She said that if the variation for the retaining wall were denied and compliance with the setback were required, that there is a condition of denial that the wall be relocated so that it is farther from this existing sewer line and less susceptible to potential damage or required removal.

Conditions

Planner Ashbaugh described the various conditions of approval detailed in the staff report, should the ZBA decide to recommend approval of the request. She also described the conditions of denial, should they decide to recommend denial, also in the staff report.

Questions from the Zoning Board of Appeals

ZBA Member Whalls asked if the petitioner was made aware of the sewer line under the stone wall.

Senior Civil Engineer Amy McKenna was sworn in.

Senior Civil Engineer McKenna stated the sewer line was not discussed. Senior Civil Engineer McKenna stated the original plan had the retaining wall, which staff asked for more information about. Senior Civil Engineer McKenna stated the retaining wall was dropped and not submitted with the second set of plans, so the sewer line was never discussed.

ZBA Chairperson Constantino stated it is also the responsibility of the owner to look up potential easements, but the retaining wall was not submitted with the second set of plans.

ZBA Member Jones asked if the petitioner, or future owner, could pave the driveway in its current location in the future, if desired. Senior Civil Engineer McKenna stated gravel or paving, because it was already in that location, does not impact stormwater. Planner Ashbaugh clarified that impervious surface setbacks for driveways were only “grandfathered” if the owner could prove they owned the property on or before March 1, 1999 or that the driveway existed in that location on or before March 1, 1999.

Chairperson Constantino asked if the work that was completed matches the original plan that was rejected by Village staff. Planner Ashbaugh stated that was correct. Senior Civil Engineer McKenna stated the original plan was missing a lot of information, and there were conversations with the petitioner on what could and could not be approved/built.

Chairperson Constantino asked if the increased size of the patio requires a drainage plan. Senior Civil Engineer McKenna stated it does, and that the petitioner did submit a drainage plan, and no stormwater management such as a drywell was required.

Chairperson Constantino asked if there are any additional stormwater concerns. Senior Civil Engineer McKenna stated there are not.

ZBA Member Whalls asked Engineer McKenna if the petitioner had spoken to her after the initial permit application was rejected. Engineer McKenna confirmed that she and Plans Examiner Paula Moritz (not present) had both spoken to the petitioner during the permit review phase about how to meet the code requirements.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation was Pierre Biset, owner of the property located at 410 Spring Avenue.

Mr. Biset stated he never intended for any of these issues to happen or arise. Mr. Biset stated he purchased the home in 2013, and since then has been working to approve the home. Mr. Biset stated this has been the largest project that he has taken on, and that he has learned about through the process.

Mr. Biset stated his contractor had suggested the changes to the approved plan, and Mr. Biset thought they kept the character of the home and neighborhood. Mr. Biset stated there are no neighbor concerns and the backyard has been completely transformed.

Mr. Biset stated there are no drainage concerns noted by staff, and that he is willing to have staff monitor the drainage and would be willing to put in some type of stormwater management, if recommended by Village staff.

Mr. Biset stated the retaining wall was removed from the original plans due to the cost. Mr. Biset stated the retaining wall was added back to the scope of work after the permit was approved because the shrubs and plants were removed from the area, which looked bad. Mr. Biset stated he did not think the addition of the retaining wall would cause any issues.

Mr. Biset stated his driveway and apron have also been as they currently are.

Mr. Biset stated it was never his intention to submit one plan, and then make changes and not follow that plan. Mr. Biset stated he was not aware the changes would make this impact.

Additional Questions from the Zoning Board of Appeals

ZBA Member Covington stated there are six violations from the Zoning Code. ZBA Member Covington asked if at any time during the changes and construction of Mr. Biset thought to pause and speak to the Village, given the changes that were required to get the permit in the first place. Mr. Biset stated the contractor made the suggestions regarding the patio and deck size. Mr. Biset stated the relocation of the deck stairs was his idea. Mr. Biset stated he did not realize the changes would cause issues, and did not think to call the Village.

ZBA Member Covington asked if Mr. Biset could provide more information about increase in patio size. Mr. Biset stated with the change in the location of the stairs required a larger patio. Mr. Biset stated the contractor gave the suggestion of the larger patio, and the contractor noted the patio that was approved was very small. Mr. Biset stated he did not think the increase in patio size would cause any issues. Mr. Biset also noted the changes that were made were not worth these the current problems, and he thought he was doing what was best for his home.

ZBA Member Jones asked when the pavers were ordered, if the landscapers told Mr. Biset he would have extra brick due to the pavers being ordered in pallets. Mr. Biset stated he did not recall this.

ZBA Member Whalls stated Mr. Biset's name is on the permit, and not the landscapers. ZBA Member Whalls stated Mr. Biset blew off what was approved by the Village, and that Mr. Biset should have and could have picked up the phone to call the Village. ZBA Member Whalls also said that Village staff had helped him to get his permit approved and he still disregarded the approved plans.

ZBA Chairperson Constantino stated this project seems like it would cost a lot of money. ZBA Chairperson Constantino stated that based on suggestions by the contractor and landscaper, Mr. Biset made significant changes to the approved permit. ZBA Chairperson Constantino stated Mr. Biset had to go through the plan approval process with the Village twice for this project, and should have known to call the Village with any potential changes to what was approved. ZBA Chairperson Constantino stated he is not sure how the variation requests would have been viewed if the ZBA had the chance to review them before the construction was complete.

ZBA Member Whalls asked if the Village knew the height of the retaining wall. Planner Ashbaugh stated the Village has no information regarding the retaining wall other than it existed as shown on the plat of survey.

ZBA Member Jones asked if the doors from the house to the deck would be used as an escape route in the case of an emergency. Mr. Biset stated they would.

Persons in Favor of or in Opposition to the Variation Requests

No one spoke in favor or in opposition of the variation requests.

Findings of Fact

ZBA Member Panther stated the following findings of fact: the property in question is 410 Spring Avenue; the owner is Pierre Biset; the petitioners are requesting variations from the following sections of the Glen Ellyn Zoning Code: Section 10-5-5(B)(4) #18.c.1 to allow existing impervious surfaces to cover approximately 1,809 square feet, or 61 percent of the required rear yard, where only up to 50 percent, or approximately 1,505 square feet, of the required rear yard is permitted to be covered by impervious surfaces; Section 10-5-5(B)(4) #37 to allow an existing patio to be approximately five (5) feet from the north interior side lot line where an interior side yard setback of seven (7) feet six (6) inches is required; Section 10-5-5(B)(4) #28 to allow an existing patio to be approximately seven (7) feet one (1) inch from the west rear lot line where a rear yard setback of seven (7) feet six (6) inches is required; Section 10-5-5(B)(4) #8 to allow an existing deck to be approximately five (5) feet eight (8) inches from the north interior side lot line where an interior side yard setback of seven (7) feet six (6) inches is required; Section 10-5-5(B)(4) #34 to allow existing stairs to be approximately five (5) feet three (3) inches from the north interior side lot line where an interior side yard setback of seven (7) feet six (6) inches is required; Section 10-5-5(B)(4) #38 to allow an existing retaining wall to be approximately two (2) feet from the north interior side lot line where a setback of either three (3) feet nine (9) inches or seven (7) feet six (6) inches is required, and any other zoning relief necessary to allow the existing patio, deck, stairs, and retaining wall to remain on the property as shown on the plans at the public hearing or a public meeting of the Village Board.

ZBA Member Panther continued the findings of fact: the ZBA heard from Planner Ashbaugh, who indicated the subject property and the properties to the north, west and south are all zoned R2-Residential District and are all improved with single-family homes; the property to the east across Spring Avenue is unincorporated DuPage County and is the location of the Glen Oak Country Club; there was a prior variation issued to the property to allow a second floor addition; in 2019 a permit was requested for the construction of a deck, stairs, patio and retaining wall; initially the project was denied and there was a resubmittal where the retaining wall was removed from the plans and the impervious surface percentage was reduced; upon permit close out, the deck and patio were not built as proposed, as well as the retaining wall was installed and not indicated in the approved permit; it was indicated a sewer line runs along the north portion of the property.

ZBA Member Panther continued the findings of fact: the ZBA then heard from Senior Civil Engineer McKenna, who indicated the as built patio does not require any additional stormwater mitigation measures because of the additional net new impervious surface is under 300 square feet.

ZBA Member Panther continued the findings of fact: the ZBA then heard from petitioner Pierre Biset, owner of the property, who indicated that the changes that occurred from what was approved in the permit was due to the direction of the contractor who recommended changes to the deck and patio; the retaining wall was originally removed from the plans due to the cost of the project, but once they noticed how nice the rest of the property looked they thought it would be nice to include it to the scope of work; the expansion of the deck created an issue with the stairs which created an issue with the landing onto the patio which created the need of several additional variances.

Motion

ZBA Member Jones moved, seconded by ZBA Member Covington that the Zoning Board of Appeals recommend to approve of the Findings of Fact. The motion was carried by roll call vote with 6 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington, ZBA Member Crudele, ZBA Member Jones, ZBA Member Panther and ZBA Member Whalls.

Additional Comments from the Zoning Board of Appeals

ZBA Member Covington stated it is tough request to review. ZBA Member Covington stated she can see where there could be a hardship. ZBA Member Covington continued that not just one mistake was made, but there were several. ZBA Member Covington stated the petitioner is in charge of the permit process. ZBA Member Covington stated the process is long, and the petitioner wanted it done so when the contractors suggest changes he went with it. ZBA Member Covington also stated there is a reason why we have Zoning Codes which need to be followed.

ZBA Member Crudele stated if she could understand if there was only one violation, but there were many. ZBA Member Crudele stated there seems to be a disregard for the Village in the process. ZBA Member Crudele stated it does look better than it did before the project, which is why the neighbors are in support of it. ZBA Member Crudele stated she is leaning towards being in favor of the deck variations, but is not sure how she feels about the patio and retaining wall. ZBA Member Crudele stated she is concerned regarding the impervious surface ratio.

ZBA Member Jones stated he is fine with the deck as it is an exit from the home in case of an emergency. ZBA Member Jones stated if he was a neighbor, he would be fine with the changes. ZBA Member Jones suggested the ZBA take a look at the variations one at a time. ZBA Member Jones stated he is fine with the project, but does not like how we got to this situation.

ZBA Member Panther stated he is struggling with the variation requests as well. ZBA Member Panther stated the end result of the project looks great, but he does not like the circumstances of why the ZBA is reviewing the request. ZBA Member Panther stated if the requests would have come before the ZBA prior to construction, he is not sure the ZBA would have approved them. ZBA Member Panther stated he is open to the deck and the landing and the retaining wall, but has an issue with the patio. ZBA Member Panther stated the percentage of impervious surface is the real issue.

ZBA Member Whalls stated there was an abuse of the permit that was approved, and that he is not in support of the variations.

ZBA Chairperson Constantino asked if Mr. Biset is aware of the conditions that were suggested by the Community Development Department. Mr. Biset stated he did look over the agenda packet, but was not entirely sure what the conditions include. Mr. Biset stated he has no concern on meeting any condition outlined by the Community Development Department.

ZBA Chairperson Constantino stated he is very concerned over the process and entire scope of variations that are requested. ZBA Chairperson Constantino stated either the contractors or Mr. Biset should have known the changes required review by the Village. ZBA Chairperson Constantino stated Mr. Biset went against what was approved by the Village. ZBA Chairperson Constantino stated he is not in favor of the variations.

ZBA Chairperson Constantino stated he is not in favor of approving any of the variations.

ZBA Member Whalls stated he is not in favor of approving any of the variations.

ZBA Member Panther stated he is not in favor of approving any of the variations.

ZBA Member Covington stated she may be in favor of approving certain variations.

ZBA Member Crudele stated she is in favor of approving certain variations.

ZBA Member Jones stated he is in favor of approving certain variations.

Motion

A motion was made by ZBA Member Covington and seconded by ZBA Member Jones to close the public hearing for 410 Spring Avenue at 9:57 p.m. The motion was carried by roll call vote with 6 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA

Member Covington, ZBA Member Crudele, ZBA Member Jones, ZBA Member Panther and ZBA Member Whalls.

A motion was made by ZBA Member Jones and seconded by ZBA Member Whalls, as follows:

Having considered the application of Pierre Biset, owner of the property located at 410 Spring Avenue, Glen Ellyn, for the following construction necessitated zoning variations: to allow existing impervious surfaces to cover approximately 1,809 square feet, or 61 percent of the required rear yard, where only up to 50 percent, or approximately 1,505 square feet, of the required rear yard is permitted to be covered by impervious surfaces; to allow an existing patio to be approximately five (5) feet from the north interior side lot line where an interior side yard setback of seven (7) feet six (6) inches is required; to allow an existing patio to be approximately seven (7) feet one (1) inch from the west rear lot line where a rear yard setback of seven (7) feet six (6) inches is required; to allow an existing deck to be approximately five (5) feet eight (8) inches from the north interior side lot line where an interior side yard setback of seven (7) feet six (6) inches is required; to allow existing stairs to be approximately five (5) feet three (3) inches from the north interior side lot line where an interior side yard setback of seven (7) feet six (6) inches is required; to allow an existing retaining wall to be approximately two (2) feet from the north interior side lot line where a setback of either three (3) feet nine (9) inches or seven (7) feet six (6) inches is required, all to allow an existing deck, stairs, patio, and retaining wall to remain on the property located at 410 Spring Avenue, an interior lot in the R2 – Residential District, as depicted on the plans presented or revised at the public hearing or at a public meeting of the Village Board, the Zoning Board of Appeals hereby recommends DENIAL of the requested construction necessitated zoning variations from Sections 10-5-5(B)(4) #18.c.1, 10-5-5(B)(4) #37, 10-5-5(B)(4) #28, 10-5-5(B)(4) #8, 10-5-5(B)(4) #34, and 10-5-5(B)(4) #38 of the Glen Ellyn Zoning Code based upon the following findings of fact:

1. That the plight of the owners is not due to a unique circumstance or a particular hardship;
2. That the practical difficulty or particular hardship has been created by person presently having an interest in the property because the plans of construction were not followed as permitted.

The motion was carried by roll call vote with 4 “yes” votes and 2 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington, ZBA Member Panther and ZBA Member Whalls. The “no” votes are as follow: ZBA Member Crudele and ZBA Member Jones.

Village Board Trustee Report

Trustee Christiansen stated the tent on Main Street has been removed and Main Street is open to traffic.

Trustee Christiansen stated the positivity rate of COVID-19 is growing in DuPage County and Glen Ellyn. Trustee Christiansen stated we are currently under Tier 2 restrictions in the Mitigation Plan. Trustee Christiansen reminded everyone to wear a mask, social distance and wash your hands.

Trustee Christiansen stated the Village Board had the first reading on the 2021 budget and levy and the second reading/approval will be voted on at the December 14, 2020 Village Board meeting.

Trustee Christiansen stated the precast walls are being installed at the Civic Center Parking garage and the project is expected to be complete in spring 2021.

Trustee Christiansen stated Avere is on track for a January 2021 occupancy date.

Trustee Christiansen stated Apex is on track for a summer 2021 occupancy date.

Trustee Christiansen stated the McChesney & Miller property development will be reviewed by the Plan Commission on November 12, 2020.

Trustee Christiansen stated voting for the Civic Betterment Party is taking place until November 14.

Staff Report

Planner Ashbaugh stated the Zoning Board of Appeals will meet on December 8, 2020 and there will be several variations reviewed at that meeting.

Adjournment

At 10:19 p.m. a motion was made by ZBA Member Whalls and seconded by ZBA Member Jones to adjourn the meeting. The motion was carried by roll call vote with 6 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington, ZBA Member Crudele, ZBA Member Jones, ZBA Member Panther and ZBA Member Whalls.

Respectfully submitted,

Lindsey Kaminsky
Recording Secretary

Reviewed by,
Katie Ashbaugh, AICP
Planner



**Glen Ellyn Zoning Board
of Appeals**

535 Duane Street
Glen Ellyn, IL 60137

Meeting 12/8/2020 7:00 PM
Department: Community Development
Department Head: Staci Springer
Category: Public Hearing
Prepared By: Katie Ashbaugh

**AGENDA ITEM (ID
2020-717)**

DOC ID: 2020-717

A Public Hearing Concerning a Zoning Variation Request for the Property Located at 554 N. Park Boulevard

Statement of the Issue:

Please see the staff report.

Analysis:

Please see the staff report.

Budget Impact:

Please see the staff report.

Action Requested:

Please see the staff report.

Attachments:

1. Staff Report
2. Petitioners' Application Materials
3. Zoning - Location Map
4. 1-Foot Contour Map
5. Aerial Photo
6. Plat of Survey
7. Existing Conditions Photos
8. Proposed Plans
9. Petitioners' Exhibit of Comparable Proximate Homes
10. Signatures of Support Provided by Petitioner
11. Public Comments Received as of December 3, 2020
12. Public Notice
13. Certificate of Publication
14. Buffer Map of Properties Receiving Notice

15. Address List for Notice

STAFF REPORT

TO: The Zoning Board of Appeals

FROM: Katie Ashbaugh, AICP, Planner

DATE: December 3, 2020

SUBJECT: *December 8, 2020 Zoning Board of Appeals Meeting*
Zoning Variation Request for the Property Located at 554 N. Park Boulevard

PROPERTY: 554 N. Park Boulevard is an interior lot located on the west side of North Park Boulevard between Anthony Street and Glen Ellyn Place.

PETITIONER: The petitioners are Julie and David Evans, owners of the property at 554 N. Park Boulevard.

REQUEST: The petitioners are requesting a recommendation of approval of the following variation from the Glen Ellyn Zoning Code:

1. A variation from Section 10-4-8(D)(1) to permit a front yard setback of 23 feet 6 inches where 30 feet is required; and
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.

ZONING/USE: The subject property is zoned R2 – Single Family Residential District and is improved with a single-family home. All surrounding properties are also zoned R2 – Single Family Residential District. The properties to the north, east, and west are improved with single-family homes while the property to the south is a parking lot for a church.

PUBLIC NOTICE: Notice of the public hearing was published in the November 23, 2020, 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: The Village has not granted any past variations to this property.

PERMIT HISTORY:

Year	Permit No.	Type
2014	20141357	Detached Garage and Driveway
1998	B17602	Driveway Approach
1998	B17896	Rear Deck

EXISTING:	R2 Lot Requirements [10-4-8(D)]	Subject Property Data
Lot Area	8,712 ft ² (0.20 acres)	8,636 ft ² (0.19 acres)
Lot Width	80', corner lots; 66', all other lots	78' 8.5"
Front Yard	30' (between 30' and 50' for new construction; but no closer than the closest principal structure on adjacent lots on the same side of the street)	+/- 23' 8"
Side Yard	6' 6" required	+/- 10' 2.5"
Rear Yard	40'	+/- 43' 10"

PROPOSED: The petitioners are proposing to modernize their existing nonconforming enclosed front porch. The existing and proposed porches are both 26 feet 3 inches wide by 8 feet 6 inches in depth. The existing porch has stairs that lead to the porch from the north with an exposed door to the interior of the home. The proposed porch completely encloses the porch area, centers the door, and repositions the stairs to the front of the home. This request requires a variation because this work is proposed to occur within the required front yard setback. Staff notes, if the front porch were open sided, it would be permitted to encroach into the front yard setback an additional 7 feet 6 inches and would not require the requested variation.

The petitioners provided photos of existing conditions (Attachment 6), a petition of support signed by owners of six (6) proximate properties that received notice (Attachment 9), and an exhibit showing comparable homes in the area (Attachment 8). Staff also received public comments from three (3) additional property owners in support of the request (Attachment 10). One (1) of the three (3) received notice. No comments were received in opposition to the request.

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 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. Petitioners' Application Materials
2. Zoning & Location Map

3. 1' Contour Map
4. Aerial Photo
5. Plat of Survey
6. Existing Conditions Photos
7. Proposed Plans
8. Petitioners' Exhibit of Comparable Proximate Homes
9. Signatures of Support Provided by Petitioner
10. Public Comments Received as of December 3, 2020
11. Public Notice
12. Certificate of Publication
13. Buffer Map of Properties Receiving Notice
14. Address List for Notice

CC: Julie and David Evans, Owners and Petitioners
Staci Springer, AICP, Director of Community Development
Steve Witt, AIA, Building & Zoning Official
Kelly Purvis, AICP, Planning Manager
Paula Moritz, Plan Reviewer

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

CLEAR ALL PAGES

APPLICATION FOR VARIATION

For the property at 554 North Park Boulevard 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 Community Development Department.

You may attach separate sheets if additional space is needed for the following answers.

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: Julie and David Evans
Address: 554 North Park Boulevard
Home Phone No.: 630-858-9989 Cell Phone No.: 630-858-9989
Fax No.: none
E-mail: jdnmevans@yahoo.com

Ownership Interest in the Property in Question:

Julie and David Evans are joint owners of the property (see Attachment 7 Satisfaction of Mortgage document)

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):

Applicants are legal owners of the property.

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

None

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.

III. PROPERTY INFORMATION:

Common address: 554 NORTH PARK BOULEVARD, GLEN ELLYN, IL 60137

Permanent tax index number: 05-11-307-018

Legal description:

LOT 1 (EXCEPT THE SOUTH 25 FEET THEREOF) IN BLOCK 24 IN COUNTY CLERK'S SECOND ASSESSMENT DIVISION IN GLEN ELLYN, IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 88052 IN DUPAGE COUNTY, ILLINOIS.

Zoning classification: _____

Lot size: 110.0 ft. x 78.82 ft.

Area: 8,636 sq. ft.

Present use:

Owners live at the property

IV. 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):

We are requesting a variation from Section 10-4-8(D)(1) to permit a front yard setback of 23 feet 6 inches where 30 feet is required. Our home has a non-conforming front porch, due to porch setback conditions and being an enclosed porch. The unheated, enclosed porch has existing sliding windows and a storm door. In 2015, we removed a one-car garage and a portion of the old driveway to the north and constructed a two-car garage and driveway to the south. The placement of the new garage created the need for a more functional location for our porch entry steps in relation to the garage. Currently the non-conforming porch entry steps are located on the north side, oriented to the former driveway location. The porch is used as an entry to our home and a seasonal space, both permitted uses. We plan to relocate the porch entry steps and sidewalk to the front center of the porch, close off the old entry to the north as it will no longer be needed, remove sections of the old concrete driveway and sidewalk up to the front face of the home, extend the porch decking by approximately 3 feet as a practical improvement making the porch symmetrical, and keep the porch enclosed (existing sliding windows and storm door to remain). The exterior porch dimensions will remain the same.

Estimated date to begin construction: Spring 2021

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

Daryl Drake, Architect
Drake Design Company
422 Phillips Ave.
Glen Ellyn, IL 60137
630-790-2545

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:

Our hardship is the position of the house on the lot. The home was built when setback rules were different than today.

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):

Chose to answer 2b

OR

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

We know of no other home in the area with a relocated garage that created the need for a porch entry reorientation for a non-conforming porch.

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

The exterior dimensions of the porch as noted on the plat of survey will not change, only an extension of the porch decking within the existing exterior porch dimensions. The permitted use of the porch will not change - home entry and seasonal use. The porch will remain an unheated, enclosed porch using the existing sliding windows and storm door entry. The entry steps located at the center of the porch and enclosed porch are both common design features with similar homes in the area.

- 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:

Our hardship is the placement of the home on the property which was constructed many years before the current front setback requirements.

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:

Our home is an American Foursquare design. Other American Foursquare homes in the district have enclosed front porches and front entry stairs. See provided photos of nearby American Fourquare homes with enclosed porches and front entry stairs

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:

The purpose of the variation is to provide a more functional entry from the garage, close off the old entry, and make the porch symmetrical by extending the porch decking. The result will improve safety with entry stairs brought to code.

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 hardship results from an existing condition with the placement of the house on the lot.

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 variation falls within a permitted use of the property and will have the added benefit of bringing the entry stairs to code, improving safety.

6. Provide evidence that the proposed variation will not:

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

The supply of light and air to the adjacent property will not be affected with this project.

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

The proposed porch remodel is not expected to increase the hazard from fire or other dangers to the property.

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

No new impairments will be created with the project.

- d. Diminish or impair property values within the neighborhood;

The porch improvements are expected to maintain or enhance property values.

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

The project construction and completed project will not affect traffic congestion on Park Boulevard.

- f. Create a nuisance; or

The porch construction and completed project is not anticipated to create a nuisance. See attached Petition in Support of Variation Approval with signatures from neighbors.

- g. Results in an increase in public expenditures.

The project is expected to be a typical residential project without an increase in public expenditures.

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

We have asked for the minimum variation to improve the function and safety of our porch while keeping it cost effective.

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

Supporting Attachments:

1. Photos of existing front porch conditions
2. Photos of nearby American Foursquare homes with enclosed front porch
3. Proposed porch remodel drawings
4. Plat of survey with existing conditions
5. Petition of Variation Approval
6. Satisfaction of Mortgage document from DuPage County

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.

	Julie Evans	
Date	Print Name	Signature of Applicant
	David Evans	
Date	Print Name	Signature of Applicant
Date	Print Name	Signature of Applicant

Affidavit Affirming No Conflict of Interest

The undersigned, being duly sworn and under oath, states as follows:

1. My name is Julie Evans, and I hold the position of self for self ("Applicant").
2. I have personal knowledge of all facts stated in this Affidavit, and if called to testify, I could and would testify competently thereto.
3. I am authorized by the Applicant to make the representations and statements in this Affidavit on the Applicant's behalf in support of the application for development approval ("**Application**") the Applicant filed with the Village of Glen Ellyn ("**Village**").
4. To the best of my knowledge, and as of the Application's date, no individual that is employed by the Village or sits on an elected or appointed Village board or commission has a financial interest in the Applicant, the Application, or the project proposed by the Applicant.
5. To the best of my knowledge, and as of the Application's date, no individual that is related to any person that is employed by the Village or sits on an elected or appointed Village board or commission has a financial interest in the Applicant, the Application, or the project proposed by the Applicant.
6. I will immediately notify the Village if the Applicant learns of the material inaccuracy of any statement within this Affidavit.

Further affiant sayeth naught.

Name: Julie Evans

Title: Applicant

Applicant's Name: Self

Subscribed and sworn to me this

_____ day of _____, 20____

Notary Public

When Recorded Mail To:
Wells Fargo Home Mortgage
C/O Nationwide Title Clearing,
Inc. 2100 Alt. 19 North
Palm Harbor, FL 34683

FRED BUCHOLZ, RECORDER
DUPAGE COUNTY ILLINOIS
01/22/2020 08:51 AM
RHSP

DOCUMENT # R2020-007217

Loan Number 0482197571

SATISFACTION OF MORTGAGE

The undersigned declares that it is the present lienholder of a Mortgage made by **DAVID B EVANS AND JULIE ANNE EVANS** to **WORLD SAVINGS AND LOAN ASSOCIATION, A FEDERAL SAVINGS AND LOAN ASSOCIATION** bearing the date 06/15/1994 and recorded in the office of the Recorder or Registrar of Titles of **DUPAGE** County, in the State of **Illinois**, in **Document # R94-138097**.

The above described Mortgage is, with the note accompanying it, fully paid, satisfied, and discharged. The recorder of said County is authorized to enter this satisfaction/discharge of record, with respect to the property therein described as situated in the County of DUPAGE, State of Illinois as follows, to wit:

LOT 1 (EXCEPT THE SOUTH 25 FEET THEREOF) IN BLOCK 24 IN COUNTY CLERK'S SECOND ASSESSMENT DIVISION IN GLEN ELLYN, IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 88052 IN DUPAGE COUNTY, ILLINOIS.

Tax Code/PIN: 05-11-307-018

Property is commonly known as: 554 NORTH PARK BOULEVAR, GLEN ELLYN, IL 60137.

Dated this 20th day of January in the year 2020

WELLS FARGO BANK, N.A. SUCCESSOR BY MERGER TO WACHOVIA MORTGAGE, FSB FKA WORLD SAVINGS BANK, FSB SUCCESSOR BY MERGER TO WORLD SAVINGS AND LOAN ASSOCIATION, A FEDERAL SAVINGS AND LOAN ASSOCIATION


ANGELA PAVAO

VICE PRESIDENT LOAN DOCUMENTATION

All persons whose signatures appear above are employed by NTC, have qualified authority to sign and have reviewed this document and supporting documentation prior to signing.

WFHRC 410611683 WMSA DOCR T202001-01:25:34 [C-2] ERCNIL1



TX0045638019

Loan Number 0482197571

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me by means of [X] physical presence or [] online notarization on this 20th day of January in the year 2020, by Angela Pavao as VICE PRESIDENT LOAN DOCUMENTATION of WELLS FARGO BANK, N.A. SUCCESSOR BY MERGER TO WACHOVIA MORTGAGE, FSB FKA WORLD SAVINGS BANK, FSB SUCCESSOR BY MERGER TO WORLD SAVINGS AND LOAN ASSOCIATION, A FEDERAL SAVINGS AND LOAN ASSOCIATION, who, as such VICE PRESIDENT LOAN DOCUMENTATION being authorized to do so, executed the foregoing instrument for the purposes therein contained. He/she/they is (are) personally known to me.



KARIN CHANDIAS

COMM EXPIRES: 07/28/2023



Document Prepared By: Dave LaRose/NTC, 2100 Alt. 19 North, Palm Harbor, FL 34683 (800)346-9152

FOR THE PROTECTION OF THE OWNER THIS RELEASE SHOULD BE FILED WITH THE RECORDER OR REGISTRAR OF TITLES IN WHOSE OFFICE THE MORTGAGE OR DEED OF TRUST WAS FILED.

WFHRC 410611683 WMSA DOCR T202001-012534 [C-2] ERCNIL1



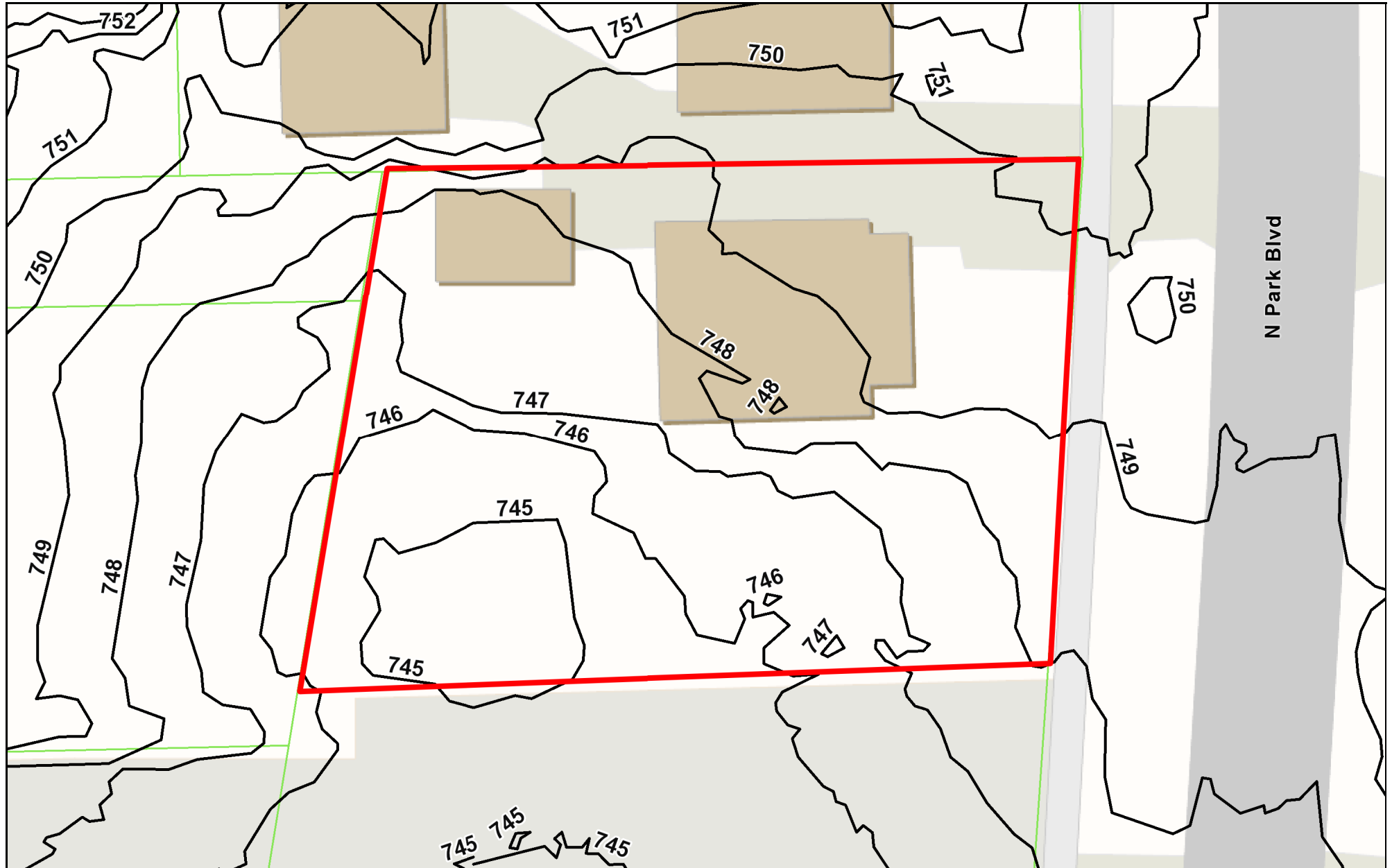
D0045638019



0 200 400 ft

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

Notes



0 25 50
ft

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

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0 25 50
ft

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Notes

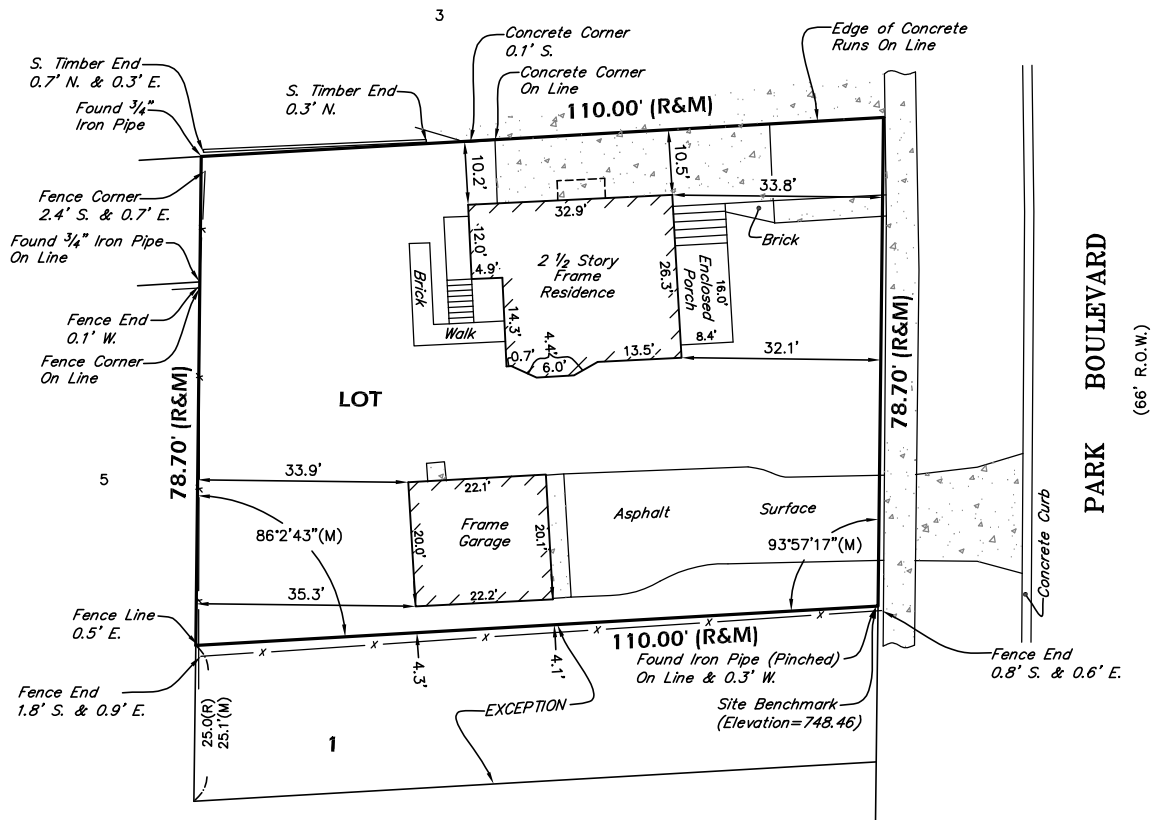
PLAT OF SURVEY

OF

LOT 1 (EXCEPT THE SOUTH 25 FEET THEREOF) IN BLOCK 24 IN COUNTY CLERK'S SECOND ASSESSMENT DIVISION IN GLEN ELLYN, IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 88052, IN DUPAGE COUNTY, ILLINOIS.



SCALE: 1"=20'



AREA OF SURVEY:

CONTAINING 8,636± SQ. FT.

REFER TO YOUR DEED, ABSTRACT, TITLE POLICY AND LOCAL BUILDING AND ZONING ORDINANCE FOR ITEMS OF RECORD NOT SHOWN.

STATE OF ILLINOIS)
COUNTY OF DUPAGE) ss

PROFESSIONAL LAND SURVEYING, INC. HEREBY CERTIFIES THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THE HEREON DRAWN PLAT IS A CORRECT REPRESENTATION THEREOF.

FIELD WORK COMPLETED AND DATED
THIS 10TH DAY OF NOVEMBER, 2014.
UPDATED THIS 12TH DAY OF AUGUST, 2020.

IPLS No. 3483
MY LICENSE EXPIRES 11/30/20

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

PROFESSIONAL DESIGN FIRM NO. 184-004196



SYMBOL LEGEND

- CONCRETE SURFACE
- FENCE LINE
- (R) - RECORD DATA
- (M) - MEASURED DATA
- UTILITY POLE
- OVERHEAD WIRES

PREPARED FOR: EVANS
JOB ADDRESS: 554 N. PARK BOULEVARD
GLEN ELLYN, ILLINOIS

Professional Land Surveying, Inc.
3080 Ogden Avenue Suite 307
Lisle, Illinois 60532
Phone 630.778.1757 Fax 630.778.7757

DRAWN BY: JLK FLD. BK./PG. NO.: FILE
COMPLETION DATE: 11/17/14 JOB NO.: 1410071
REVISED: 08/12/20-UPDATE

Existing Conditions – 554 N. Park Blvd.



Front (east) view from Park. Blvd.

Existing Conditions – 554 N. Park Blvd.

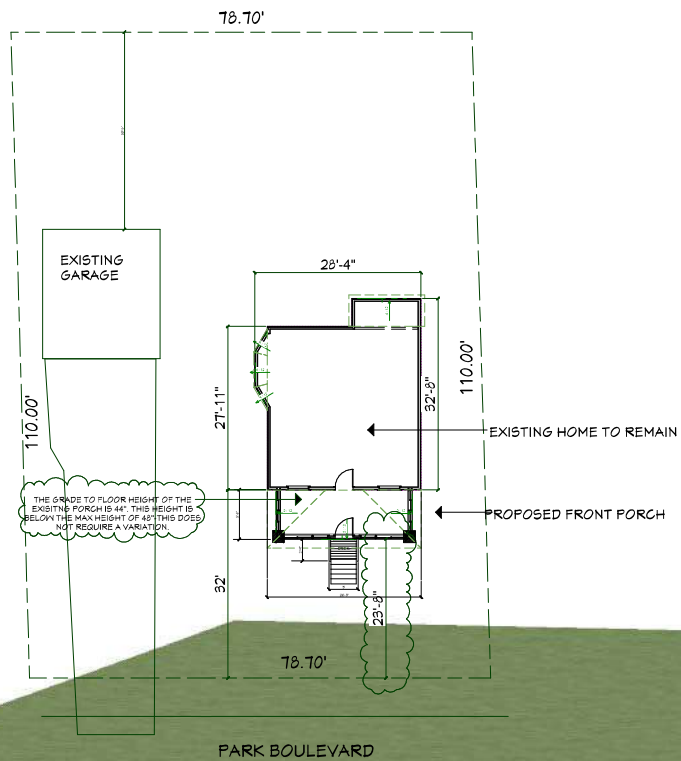


Side (north) view

Existing Conditions – 554 N. Park Blvd.



Southeast view



PROPOSED SITE PLAN
SCALE 1" EQUALS 10'



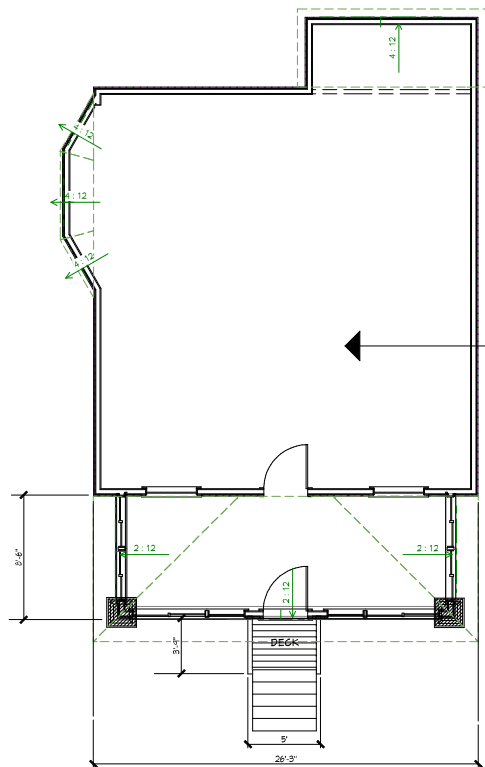
No.	Date	Revised

EVANS PROPOSED FRONT PORCH
554 N. PARK, GLEN ELLYN, ILLINOIS



DRAKE DESIGN COMPANY
DARYL A. DRAKE ARCHITECT
422 Phillips Avenue, Glen Ellyn, Illinois, 60137
Phone (630) 790-2545 Fax (630) 790-2565
E-Mail DRAKEDSIGNCO@yahoo.com

Designer
Job #
Date
Sheet No.



PROPOSED FIRST FLOOR PLAN
SCALE 1/4" EQUALS 1'-0"

EXISTING HOME TO REMAIN

PROPOSED FRONT PORCH



No.	Date	Revised

EVANS PROPOSED FRONT PORCH
554 N. PARK, GLEN ELLYN, ILLINOIS



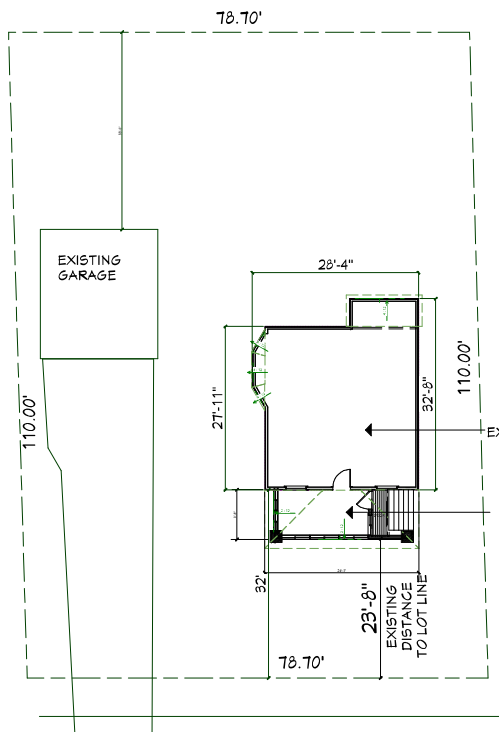
DRAKE DESIGN COMPANY
DARYL A. DRAKE ARCHITECT
422 Phillips Avenue, Glen Ellyn, Illinois, 60137
Phone (630) 790-2545 Fax (630) 790-2565
E-Mail DRAKEDSIGNCO@yahoo.com

Designer

Job #

Date

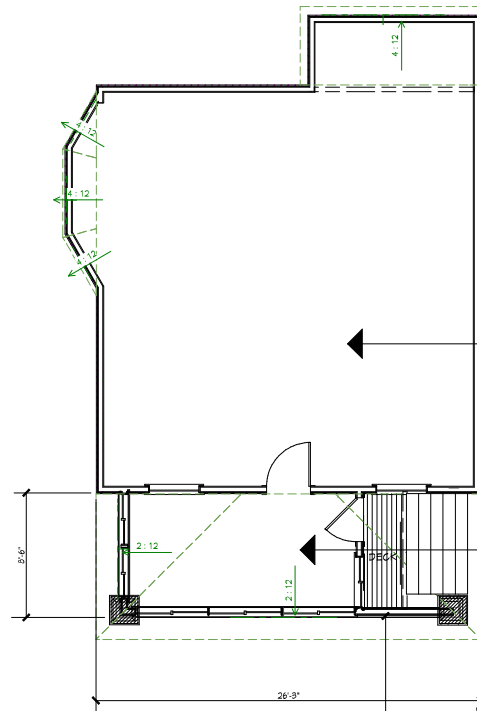
Sheet No.



EXISTING SITE PLAN
SCALE 1" EQUALS 10'



EXISTING FRONT ELEVATION
SCALE 1/4" EQUALS 1'-0"



EXISTING HOME TO REMAIN

CLOSED FRONT
PORCH
TO BE ALTERED
EXISTING GRADE TO
FLOOR HEIGHT 44"

EXISTING FIRST FLOOR PLAN
SCALE 1/4" EQUALS 1'-0"

No.	Date	Revised

EVANS PROPOSED FRONT PORCH
554 N. PARK, GLEN ELLYN, ILLINOIS



DRAKE DESIGN COMPANY
DARYL A. DRAKE ARCHITECT
422 Phillips Avenue, Glen Ellyn, Illinois, 60137
Phone (630) 790-2545 Fax (630) 790-2565
E-Mail DRACEDSIGNCO@yahoo.com

Designer

Job #

Date

Sheet No.

Zoning Variation Request Attachment 2
Nearby American Foursquare Homes with Enclosed Front Porch



562 N. Park Blvd.



567 Forest Ave.



539 Hawthorne Ave.

Evans Residence
554 N. Park Blvd.
Glen Ellyn, Illinois

PETITION FOR VARIATION APPROVAL

I the undersigned, am aware of David and Julie Evans's desire to remodel their existing front porch to move the entry door to the porch center, add a new entry sidewalk, close off the existing porch entrance on the north side of their property, and keep the porch enclosed & unheated at 554 N. Park Blvd. in Glen Ellyn.

It is our belief that the proposed plan will have no negative impact on public welfare nor will it be injurious to other property or improvements in the neighborhood in which it is located. The proposed plan will not impair an adequate supply of light and air to adjacent property. It will not substantially increase the hazard from fire or other dangers to the property in question or adjacent property. It will not diminish or impair property values within the neighborhood. The plan will not unduly increase traffic congestion in the public streets and highways, create a nuisance, or result in public expenditures to the best of my knowledge.

We are in support of the zoning variation to allow the porch remodel as proposed.

Name	Address	Signature	Date
Tony Adduci	545 N. PARK BLVD Glen Ellyn	Tony Adduci	10-31-20
Lynne Adduci	545 N. Park Blvd Glen Ellyn	Lynne Adduci	10-31-20
Gabriela Eason	555 N. Park Glen Ellyn	Gabriela Eason	10-23-20
Jim Eason	555 N. Park Blvd Glen Ellyn	Jim Eason	10/22/2020
Michelle Riley	562 N PARK BLVD GLEN	Michelle Riley	10/22/2020
Joel Riley	562 N PARK BLVD GLEN	Joel Riley	10/22/2020
Maria McCormick	551 Forest St	Maria McCormick	10-23-20
Nenad Jelic	551 Forest St	Nenad Jelic	23 OCT 20
Ken Kubat	560 N. Park	Ken Kubat	10/21/20
Lynn E Kubat	560 N. Park	Lynn E Kubat	10/21/2020
Dan Bender	551 N. Park	Dan Bender	10/27/20
Erleen Bender	551 N. Park	Erleen Bender	10-27-20



Public Comment - ZBA

Village of Glen Ellyn

Submitted On:
November 29, 2020 12:52pm
America/Chicago

Name	Elicia Viola
Organization	
Email	emv1920@gmail.com
Address	646 forest
Meeting Date	
Agenda Item or Subject	Julie and Dave Evan’s porch
Comment	This will be a nice improvement snd will blend in seamlessly with the historic homes around them.



Public Comment - ZBA

Village of Glen Ellyn

Submitted On:
November 29, 2020 10:55am
America/Chicago

Name	Sheri Reditsch
Organization	
Email	reditsch@msn.com
Address	585 Hawthorne Blvd Glen Ellyn IL 60137
Meeting Date	December 08, 2020
Agenda Item or Subject	Evans' Porch
Comment	Project compliments their house and the neighborhood. I vote Yes. Sheri Reditsch



Public Comment - ZBA

Village of Glen Ellyn

Submitted On:
November 29, 2020 10:16am
America/Chicago

Name	Terri Maltby
Organization	
Email	vintagechick2@gmail.com
Address	586 GLEN ELLYN PL Glen Ellyn IL 60137
Meeting Date	December 08, 2020
Agenda Item or Subject	Approve 554 N Park Blvd / Evans family variation
Comment	As a resident of Glen Ellyn for 30 years and neighbor, I would propose approval for the Evans porch project. The proposed plans of a front entry to the porch would not only enhance the street of Park Blvd but also the historical look of Glen Ellyn. My vote is to approve this needed project! Terri Maltby



NOTICE OF PUBLIC HEARING

Julie and David Evans, owners of the property located at 554 N Park Blvd, Glen Ellyn, are requesting a public hearing for a zoning variation in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code. Before the Glen Ellyn Village Board can consider this request, the Glen Ellyn Zoning Board of Appeals must conduct a public hearing. The Zoning Board of Appeals will conduct a public hearing on **Tuesday, December 8, 2020, at 7:00 p.m. via the virtual meeting platform, Zoom.**

The property owners are requesting approval of a variation from the Glen Ellyn Zoning Code to reconstruct an existing non-conforming front porch. The proposed porch is to have the same footprint as the existing porch but with a new layout and new front facing stairs. To accommodate this project, the property owners are requesting approval of the following zoning variations from the Glen Ellyn Zoning Code:

1. A variation from Section 10-4-8(D)(1) to allow a front yard setback of 23 feet 6 inches where 30 feet is required,
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 1 (EXCEPT THE SOUTH 25 FEET THEREOF) IN BLOCK 24 IN COUNTY CLERK'S SECOND ASSESSMENT DIVISION IN GLEN ELLYN, IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 88052, IN DUPAGE COUNTY, ILLINOIS.

PINs: 05-11-307-018

To view some plans related to the proposed project, please visit the Village website here: <http://www.glenellyn.org/246/Public-Notice-Portal>. Plans are also on file in the Community Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois. These plans and a staff report will be posted on the Village's website for public viewing on the Agendas and Minutes page for public viewing no later than Friday, December 4, 2020, linked here, <http://www.glenellyn.org/734/Village-Agendas-Minutes>. If you have questions, please contact Katie Ashbaugh, Planner, at either (630) 547-5249 or kashbaugh@glenellyn.org.

On June 12, 2020, Governor Pritzker signed PA 101-0640 (SB2135) into law. This new law amends the Open Meetings Act ILCS 120 to expressly authorize public bodies to meet remotely without the otherwise required quorum present at the meeting place while a disaster declaration is in place. The Covid-19 disaster declaration satisfies this condition, allowing Zoning Board of Appeals members to participate electronically in meetings at this time. The public is welcome to observe and participate in all meetings of the Zoning Board of Appeals.

X:\Plandev\BUILDING\ZBA\5. VARIATION BY ADDRESS\PARK\Park 554\3. Public Notices\PUBLIC NOTICE - 554 N. Park.docx

All persons who are interested are invited to attend the public hearing via Zoom. Any public questions or comments regarding this request should be submitted in advance of the meeting either via the Zoning Board of Appeals public comment form, linked here, <https://glenellynil.seamlessdocs.com/f/publiccommentzba> or via email to Katie Ashbaugh, Planner, at kashbaugh@glenellyn.org. All public comments received by 5:00 pm on Tuesday, December 8, 2020 will be read into the record at the public hearing. The public may also observe and participate in the meeting in progress on Zoom. The Zoom information is provided below.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84874590291?pwd=TXIxcGtIRmtXK2FQMmg3eHFoU2VpUT09>

Passcode: 234012

Or iPhone one-tap:

US: +13126266799,,84874590291#,,,,,0#,,234012# or
+16465588656,,84874590291#,,,,,0#,,234012#

Or Telephone, Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 253 215 8782 or
+1 346 248 7799 or +1 669 900 9128
Webinar ID: 848 7459 0291
Passcode: 234012

International numbers available: <https://us02web.zoom.us/j/kcOzEFXgvH>

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Passcode: 234012

Or iPhone one-top:

US: +13126266799, 84874590291#,,,,,0#,,234012# or

+16465588656, 84874590291#,,,,,0#,,234012#

Or Telephone, Dial (for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or

+1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128

Webinar ID: 848 7459 0291

Passcode: 234012

International numbers available:

<https://us02web.zoom.us/j/kcOzEFXgvH>

Published in Daily Herald November 23, 2020 (4554711)

RECEIVED

DEC 02 2020

VILLAGE OF GLEN ELLYN

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

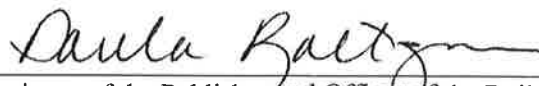
and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

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 11/23/2020 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

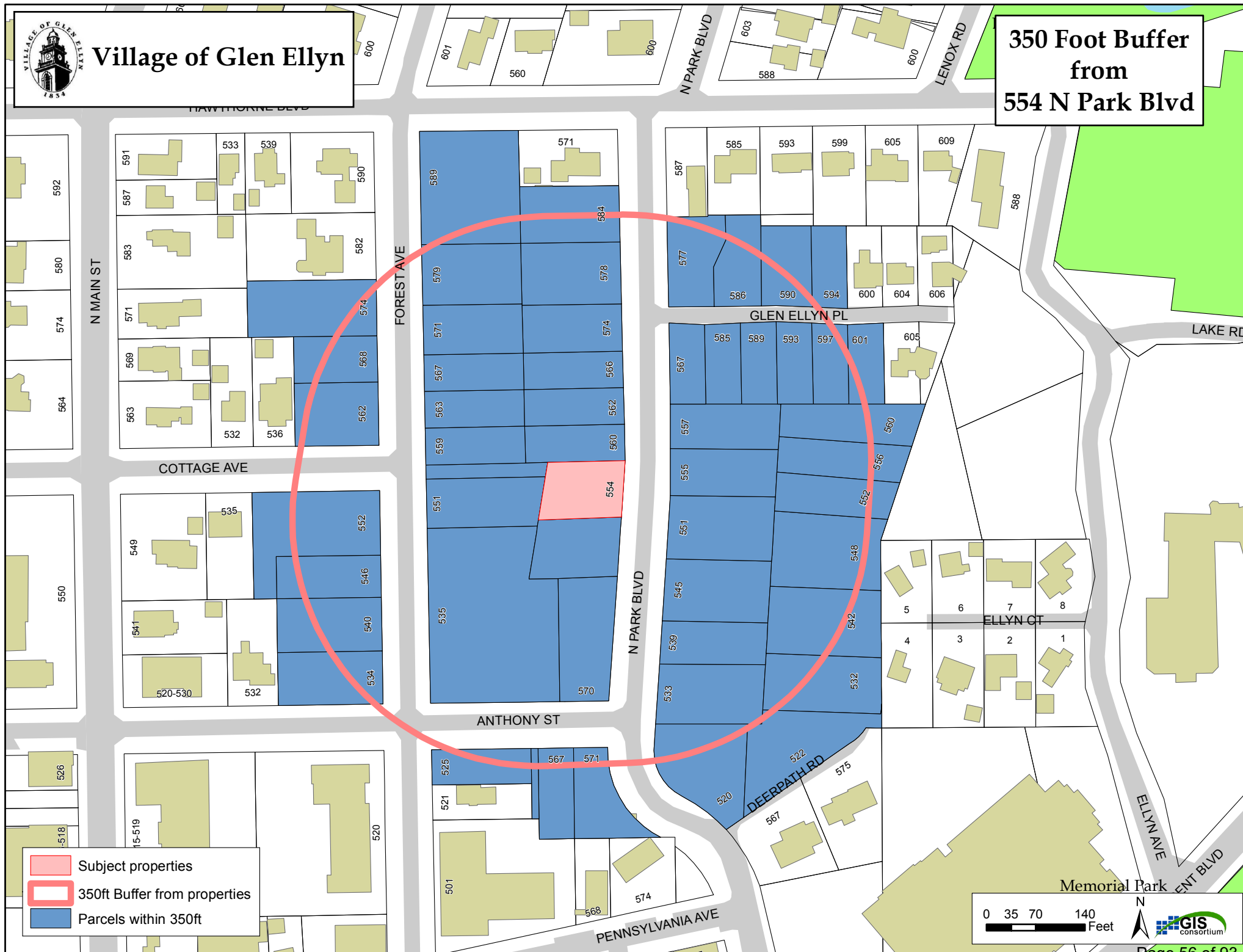


Designee of the Publisher and Officer of the Daily Herald

Control # 4554711



**350 Foot Buffer
from
554 N Park Blvd**



List of Addresses
554 N Park Blvd. Glen Ellyn, IL 60137

Recipient	Street Number	Street Direction	Street Name	City	State	Zip
ADDUCI, ANTHONY C & LYNNE	545		PARK BLVD	GLEN ELLYN	IL	60137
ALCOCK, GARRET & KATHRYN	520		DEERPATH RD	GLEN ELLYN	IL	60137
ARDELL, DOUGLAS & NANCY	567		FOREST AVE	GLEN ELLYN	IL	60137
BEDROSIAN, JOHN & CHARLENE	593		GLEN ELLYN PL	GLEN ELLYN	IL	60137
BENDER, DANIEL & EILEEN	551	N	PARK BLVD	GLEN ELLYN	IL	60137
BINETTE, STEVEN & MIRIAM	548		DEERPATH RD	GLEN ELLYN	IL	60137
BRODNER, JOHN R & LESLI C	574		FOREST AVE	GLEN ELLYN	IL	60137
BROWDER, BRAD & ERIN	570		ANTHONY DR	GLEN ELLYN	IL	60137
BURKET, JAMES & KATHLEEN	601		GLEN ELLYN PL	GLEN ELLYN	IL	60137
CORY, JANE M	577	N	PARK BLVD	GLEN ELLYN	IL	60137
CUDZILO, CRAIG & ANN M	645		FOREST AVE	GLEN ELLYN	IL	60137
DELANEY, HEATHER A	525	N	FOREST AVE	GLEN ELLYN	IL	60137
DERRY, CHRISTINE	540		FOREST AVE	GLEN ELLYN	IL	60137
DIRKMAAT, JOHN & HEIDI	552		FOREST AVE	GLEN ELLYN	IL	60137
DUSZ, WILLIAM S	562	N	FOREST AVE	GLEN ELLYN	IL	60137
DZIEDZIC, ROBT & KATHLEEN	578	N	PARK BLVD	GLEN ELLYN	IL	60137
EGAN, TIMOTHY & JANE	567		ANTHONY ST	GLEN ELLYN	IL	60137
EVANS, DAVID B & JULIE A	554	N	PARK BLVD	GLEN ELLYN	IL	60137
EVERSON, ROBERT & DENISE	522		DEERPATH RD	GLEN ELLYN	IL	60137
FIRST CONGREGATIONAL	535		FOREST	GLEN ELLYN	IL	60137
GAMBOL, C & G NIELSEN	533	N	PARK BLVD	GLEN ELLYN	IL	60137
GANG, GYU	557	N	PARK BLVD	GLEN ELLYN	IL	60137
GIESING, ERIC	534		FOREST AVE	GLEN ELLYN	IL	60137
GOEBEL, MICHAEL	585		GLEN ELLYN PL	GLEN ELLYN	IL	60137
GROOT, JON	115		WOODLAND DR	OAK BROOK	IL	60523
HARNACK, STEVEN J	566		PARK BLVD	GLEN ELLYN	IL	60137
HUGHES, MICHAEL & KRISTI	579		FOREST AVE	GLEN ELLYN	IL	60137
JUKIC, NENAD	551		FOREST AVE	GLEN ELLYN	IL	60137
KUBAT, KENNETH & LYNN	560	N	PARK BLVD	GLEN ELLYN	IL	60137
LAUTERBACH, RALPH	532		DEER PATH RD	GLEN ELLYN	IL	60137
MAC DONALD, MICHAEL & S	589		FOREST AVE	GLEN ELLYN	IL	60137
MALONE, DUDLEY G	560		DEERPATH	GLEN ELLYN	IL	60137
MALTBY, TERRI L	586		GLEN ELLYN PL	GLEN ELLYN	IL	60137
MOYLES, MICHAEL & KAREN	563		FOREST AVE	GLEN ELLYN	IL	60137
MURPHY, MICHAEL & DONNA J	589		GLEN ELLYN PL	GLEN ELLYN	IL	60137
MURRAY, PATRICIA G	620		MIDWAY PARK	GLEN ELLYN	IL	60137
NOVAK, COLLEEN C & THOMAS	571		FOREST AVE	GLEN ELLYN	IL	60137
PEARSON TR, ANGELA M	542		DEERPATH RD	GLEN ELLYN	IL	60137

List of Addresses
554 N Park Blvd. Glen Ellyn, IL 60137

PETTIT, MAUREEN	546		FOREST AVE	GLEN ELLYN	IL	60137
RILEY, MICHELLE & JOEL	562	N	PARK BLVD	GLEN ELLYN	IL	60137
SCHAENZER, BRIAN & JOAN	574	N	PARK BLVD	GLEN ELLYN	IL	60137
SCOTT, MELISSA G	555	N	PARK BLVD	GLEN ELLYN	IL	60137
SIMIC, ANNA	568	N	FOREST AVE	GLEN ELLYN	IL	60137
STEPHANY, LYNLEY	552		DEERPATH RD	GLEN ELLYN	IL	60137
STOTT, AARON & SUSAN	567		PARK BLVD	GLEN ELLYN	IL	60137
TILEV, TURHAN	559		FOREST AVE	GLEN ELLYN	IL	60137
ULBRICHT, BETTY ANN	590		GLEN ELLYN PL	GLEN ELLYN	IL	60137
VALYI NAGY, TIBOR	597		GLEN ELLYN PL	GLEN ELLYN	IL	60137
VRABEL, ANDREW & K	584	N	PARK BLVD	GLEN ELLYN	IL	60137



**Glen Ellyn Zoning Board
of Appeals**

535 Duane Street
Glen Ellyn, IL 60137

Meeting 12/8/2020 7:00 PM
Department: Community Development
Department Head: Staci Springer
Category: Public Hearing
Prepared By: Cole Jackson

**AGENDA ITEM (ID
2020-715)**

DOC ID: 2020-715

A Public Hearing Concerning a Zoning Variation Request for the Property Located at 73 Newton Avenue

Statement of the Issue:

Please see the staff report.

Analysis:

Please see the staff report.

Budget Impact:

Please see the staff report.

Action Requested:

Please see the staff report.

Attachments:

1. Staff Report for 73 Newton Avenue Zoning Variation Request
2. Petitioners' Application Materials
3. Zoning & Location Map
4. 1 Foot Contour Map
5. Aerial Photo
6. Plat of Survey
7. Existing Conditions Photos
8. Proposed Site Plan
9. Proposed Elevations
10. 3D Rendering of Proposed Rear Porch
11. Public Notice
12. Certificate of Publication
13. Buffer Map of Properties Receiving Notice
14. Address List for Notice

STAFF REPORT

TO: The Zoning Board of Appeals

FROM: Kelly Purvis, AICP, Planning Manager
Cole Jackson, Associate Planner

DATE: December 3, 2020

SUBJECT: *December 8, 2020, Zoning Board of Appeals Meeting*
Zoning Variation Request for the Property Located at 73 Newton Avenue

PROPERTY: 73 Newton Avenue is an interior lot located on the east side of Newton Avenue between Roosevelt Road and Illinois Street.

PETITIONER: The petitioners are Scott and Noreen Schaetty, owners of the property at 73 Newton Avenue.

REQUEST: The petitioners are requesting a recommendation of approval of the following variation from the Glen Ellyn Zoning Code:

1. A variation from Section 10-4-8(E)(1) of the Zoning Code to allow a lot coverage ratio of 27.7 percent where a lot coverage ratio of 20 percent is permitted; and
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.

ZONING/USE: The subject property is zoned R2 – Single Family Residential District and is improved with a single-family home. The properties to the north, south, and west are all zoned R2 – Single Family Residential District and improved with single-family homes. The property to the east is zoned CR – Conservation Recreation District and is developed as Glen Ellyn Manor Park.

PUBLIC NOTICE: Notice of the public hearing was published in the November 21, 2020, 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: The Village has not granted any past variations to this property.

PERMIT HISTORY:

Year	Permit No.	Type
2016	20161184	Rear fence
1996	B15843	Deck
1995	B15030	Single Family Home

EXISTING: R2 Lot Requirements [10-4-8(D)] Subject Property Data

Lot Area	8,712 ft ² (0.20 acres)	7,511.50 ft ² (0.17 acres)
Lot Width	80', corner lots; 66', all other lots	50.06'
Front Yard	30' (between 30' and 50' for new construction; but no closer than the closest principal structure on adjacent lots on the same side of the street)	30.81'
Side Yard	6.5' required	6.67'
Rear Yard	40'	~66'

PROPOSED: The petitioners are proposing to roof over a 334 ft² portion of their 641 ft² exiting patio at the rear of the home (see attached plans). The property is improved with a two-story single-family home and is permitted a lot coverage ratio of up to 20 percent. The property is currently legal non-conforming with a lot coverage ratio of 23.3 percent. By adding the 334 ft² area of roofed accessory structure to the property, the applicants would be increasing the lot coverage to 27.7 percent. In order to make this property improvement, a lot coverage ratio variation is needed. Staff notes that the subject property is smaller than a standard R2 district lot (by approximately 1,200 square feet) and the home does not have a front porch or detached garage and therefore does not benefit from the lot coverage ratio bonuses the Village allows.

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 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. Petitioners' Application Materials
2. Zoning & Location Map
3. 1' Contour Map
4. Aerial Photo
5. Plat of Survey
6. Existing Conditions Photos
7. Proposed Site Plan
8. Proposed Elevations
9. 3D Rendering of Proposed Rear Porch
10. Public Notice

11. Certificate of Publication
12. Buffer Map of Properties Receiving Notice
13. Address List for Notice

CC:

Staci Springer, AICP, Director of Community Development
Steve Witt, AIA, Building & Zoning Official
Katie Ashbaugh, AICP, Planner & ZBA Staff Liaison
Paula Moritz, Plan Reviewer

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

CLEAR ALL PAGES

APPLICATION FOR VARIATION

For the property at 73 Newton Avenue 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 Community Development Department.

You may attach separate sheets if additional space is needed for the following answers.

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: Scott Schaetty and Noreen Schaetty

Address: 73 Newton Avenue, Glen Ellyn, Illinois 60137

Home Phone No.: Cell Phone No.: (314) 537-6017

Fax No.: 630-232-6180

E-mail: sschaetty@gmail.com

Ownership Interest in the Property in Question:

Fee simple-This is a homestead acquired by Warranty Deed in 2016.

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? (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.

III. PROPERTY INFORMATION:

Common address: 73 Newton Avenue, Glen Ellyn, Illinois

Permanent tax index number: 05-15-421-002

Legal description:

Lot 41 Block 12 in Glen Ellyn Manor, being a subdivision of part of the Southeast 1/4 of Section 15, Township 39 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded January 16, 1922 as Document 153289, in DuPage County, Illinois.

Zoning classification: R-2

Lot size: 50.06 ft. x 150.05 ft. Area: 7,511 sq. ft.

Present use:

2 Story Brick & Frame Residence with attached garage

IV. 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):

Applicants are requesting approval from the Glen Ellyn Zoning Code as follows:

1. To allow a lot coverage of approximately 27.7%, where the maximum permitted Lot Coverage Ratio for single-family dwelling, more than one story and accessory buildings to 20% of the lot, pursuant to Section 10-4-8(E)(1) of the Zoning Code, in order to construct a covered porch structure over a portion of the Applicants' existing patio.
2. To allow 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.

Estimated date to begin construction: February 1, 2021

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

Architect: Rod Kelly Design First 1201 Norwood Avenue Itasca, Illinois 60653 (630) 877-0574 rkelly@d1builders.com	Attorney: Philip J. Piscopo Cooper Storm & Piscopo 117 S. Second Street Geneva, Illinois 60134 (630) 232-6170 pjp@csp-law.com
These persons are authorized to speak on my behalf.	

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 rear of our home, where the kitchen, family room and dinette areas are located, and the adjacent back patio face due east, and the back yard is adjacent to Glen Ellyn Manor Park. As a result, every morning from sunrise until late in the morning, the Sun shines directly into the back yard and patio, and into the home itself, significantly raising the temperatures in both places. Consequently, the energy usage is approximately 30% greater than that of our neighbors, and electrical bills are over \$300.00 per month in the warm months, unreasonably high for a home of this size. The current Zoning Code prevents us from rectifying this problem by building a modest patio roof that would shade the home and a portion of the patio.

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):

OR

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

The unique layout of this property, with the rear of the property in full view of the Sun in the mornings, causes oppressive heat to enter into the home as well as unduly heat up the backyard in the mornings. This is a natural occurrence, but is not found in other homes because they have adequate shading caused by mature trees or other buildings.

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

The proposed project is consistent with the architecture of the existing home, which itself is similar to other homes in the neighborhood. It is not a large addition and does not cover the entire patio, just a portion of it. The project would simply provide relief from the morning heat as well as a comfortable place for the property owners to sit outdoors and even invite their neighbors. Therefore, the project would contribute to the character of the neighborhood and not alter it.

- 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:

The rear patio of this property faces due east, and backs into Glen Ellyn Manor Park. There are no trees or other obstructions in either the property or the park. As a result, every morning from sunrise until late in the morning, the Sun shines directly onto the back yard and patio of the property, and into the home itself, significantly raising the temperatures in both places.

It is impracticable to rectify this situation without a structure that can cover the patio allowing excessive heat to be blocked from entering the home.

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:

The R-2 District in Glen Ellyn is quite large. The Village has a healthy tree canopy, and therefore most properties in this District have a large number of trees that provide adequate shading to the interior of the home. Furthermore, most properties in this District do not have the combination of their backyard facing east and backing into a park which itself lacks trees on its west end.

As a result, this property, unlike most others, is wide open to the Sun on every clear morning.

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:

This is an owner-occupied single-family residence, and therefor it is not used for profit-making purposes.

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.

This home was purchased by Applicants in 2016, and is presently in the same topographical and natural condition it was in when it was purchased.

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 proposed roof covering the open-air patio is consistent with the design of the building. It is in the rear of the building and therefore is not seen from the street, and does not encroach on any setback requirements. Further, because the roof is smaller than the existing patio, it creates no new drainage issues. Water from the patio currently drains around it and to the north east corner of the property. The project would not change this.

6. Provide evidence that the proposed variation will not:

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

The Applicants do not propose to enclose the patio, thereby allowing air to freely circulate. The proposed variation is on the south and east end of the building, and is only one story, and therefore only the Applicant's home itself will receive less sunlight in the morning, the very purpose of the variation.

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

This is a small addition that meets all building code requirements, and would be situated within the required setbacks.

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

This small addition in the rear of the home, tastefully and consistently done, will not impact public health, safety, comfort, morals, or general welfare of the Village.

The design covers drainage issues because the proposed structure is smaller than the existing impervious patio, and therefore there is no additional runoff caused by this project.

d. Diminish or impair property values within the neighborhood;

This small addition is out of sight of nearly all of the nearby homes, as it is in the rear. The home to the south of the subject property is walled off with no windows, so the addition would largely not be seen by persons the nearest property thereto.

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

This is a small addition to the rear of a residence in a street that ends in a cul de sac, and does not have a purpose of drawing any additional people or traffic to the area. As a result, there is no increased traffic arising from this project.

f. Create a nuisance; or

The addition is consistent with the architecture of the existing home and does not intrude on any setbacks or cause any drainage problems. It would be situated over an existing patio and will therefore not increase the impervious area of the property.

- g. Results in an increase in public expenditures.

There are no public expenditures required for this project.

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

The Applicants, together with their architect, considered the size of the covering that would be needed in order to fulfill its purpose of preventing excessive heat and sunlight from penetrating the rear of the home, and have the structure fit with the existing patio and home architecturally, it was necessary to make the covering the size that it is.

Planting trees on the east end of the property is not practicable, as it would take decades, if ever, for them to grow to a sufficient height to provide relief to the property owners.

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

The Applicants carefully considered their options to address the oppressive heat that comes into their home in the mornings. They considered having a temporary "tent-like" structure, or awnings which would not require a building permit or a variation, but believe both would be unsightly, and would not be in the character of the Village or this neighborhood, and they would require considerably more maintenance.

The Applicants do not desire to enclose the structure in any way. Thus, the proposed structure would simply provide shelter from the morning heat and, secondarily, when it is raining.

Because the structure would be entirely cover a portion of an existing patio, it would not increase the impervious area of the property.

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.

10/26/20
Date

Scott Schaetty

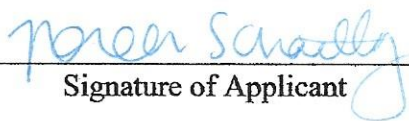
Print Name


Signature of Applicant

10/26/20
Date

Noreen Schaetty

Print Name


Signature of Applicant

Date

Print Name

Signature of Applicant

Affidavit Affirming No Conflict of Interest

The undersigned, being duly sworn and under oath, states as follows:

1. My name is Noreen Schaetty, and I hold the position of Owner for _____ ("Owner").
2. I have personal knowledge of all facts stated in this Affidavit, and if called to testify, I could and would testify competently thereto.
3. I am ~~authorized by~~ ^{and} the Owner ~~to~~ make the representations and statements in this Affidavit on the Owner's behalf in support of the application for development approval ("Application") the Owner filed with the Village of Glen Ellyn ("Village").
4. To the best of my knowledge, and as of the Application's date, no individual that is employed by the Village or sits on an elected or appointed Village board or commission has a financial interest in the Owner, the Application, or the project proposed by the Owner.
5. To the best of my knowledge, and as of the Application's date, no individual that is related to any person that is employed by the Village or sits on an elected or appointed Village board or commission has a financial interest in the Owner, the Application, or the project proposed by the Owner.
6. I will immediately notify the Village if the Owner learns of the material inaccuracy of any statement within this Affidavit.

Further affiant sayeth naught.

Name: Noreen Schaetty

Title: Owner

Signature: Noreen Schaetty

Subscribed and sworn to me this

11 day of November, 2020.

Philip J. Piscopo
Notary Public



Affidavit Affirming No Conflict of Interest

The undersigned, being duly sworn and under oath, states as follows:

1. My name is Scott Schaetty, and I hold the position of Owner for _____ ("Owner").
2. I have personal knowledge of all facts stated in this Affidavit, and if called to testify, I could and would testify competently thereto.
3. I am ~~authorized by~~ ^{and} the Owner ~~to~~ make the representations and statements in this Affidavit on the Owner's behalf in support of the application for development approval ("**Application**") the Owner filed with the Village of Glen Ellyn ("**Village**").
4. To the best of my knowledge, and as of the Application's date, no individual that is employed by the Village or sits on an elected or appointed Village board or commission has a financial interest in the Owner, the Application, or the project proposed by the Owner.
5. To the best of my knowledge, and as of the Application's date, no individual that is related to any person that is employed by the Village or sits on an elected or appointed Village board or commission has a financial interest in the Owner, the Application, or the project proposed by the Owner.
6. I will immediately notify the Village if the Owner learns of the material inaccuracy of any statement within this Affidavit.

Further affiant sayeth naught.

Name: Scott Schaetty

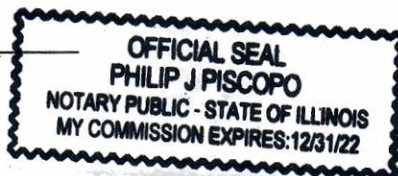
Title: Owner

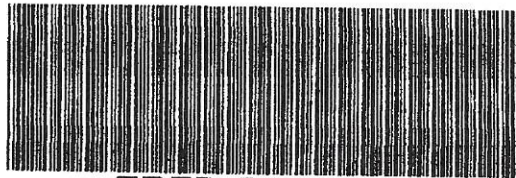
Signature: 

Subscribed and sworn to me this

11 day of November, 2026.


Notary Public



FIRST AMERICAN TITLE**FILE #** 274811 102WARRANTY DEED
ILLINOIS STATUTORY
INDIVIDUALFIRST AMERICAN TITLE COMPANY
27775 DIEHL ROAD
WARRENVILLE, IL 60555
RECORDING DEPT.Preparer File: HOYNER
FATIC No.:**FRED BUCHOLZ**
DUPAGE COUNTY RECORDER
JUN 28, 2016 RHSP 2:37 PM
DEED \$40.00 05-15-421-002
003 PAGES R2016-065420

THE GRANTOR(S) FRANK^J HOYNER divorced and not since remarried and TAMIE^R HOYNER, divorced and not since remarried, of the City of Glen Ellyn, County of DuPage, State of IL for and in consideration of Ten dollars, and other good and valuable consideration in hand paid, CONVEY(S) and WARRANT(S) to SCOTT^J SCHAETTY and NOREEN SCHAETTY, husband and wife, as tenants by the entirety, 75 Newton Glen Ellyn, IL, all interest in the following described Real Estate situated in the County of DUPAGE in the State of IL, to wit:

See Exhibit "A" attached hereto and made a part hereof

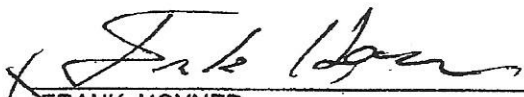
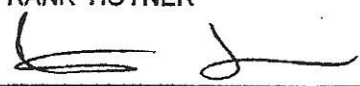
SUBJECT TO: covenants, conditions, restrictions and easements of record, general real estate tax for 2015 and subsequent years

Hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Permanent Real Estate Index Number(s): 05-15-421-002

Address(es) of Real Estate: 73 NEWTON AVENUE
GLEN ELLYN, IL 60137

Dated this 3rd day of June, 20 16


FRANK HOYNER
TAMIE HOYNER

Village of Glen Ellyn Real Estate Transfer Tax	
019013	
Sale \$	<u>490,000.00</u>
Tax \$	<u>1,470.00</u>
Date	<u>06/16/16</u> Initials <u>Re</u>

First American
Title Insurance Company

Warranty Deed - Individual

FRED BUCHOLZ R2016-065420 DUPAGE COUNTY RECORDER

STATE OF ILLINOIS, COUNTY OF DuPage SS

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT FRANK HOYNER and TAMIE HOYNER, personally known to me to be the same person(s) whose name(s) are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal this 3rd day of June, 2016.



Susan Lesus
Notary Public

Prepared by:
Susan Lesus, Attorney at Law
511 W. Wesley St.
Wheaton, IL 60187

Mail to: MICHAEL J. CORNFELD
6153 N. MILWAUKEE AVE
CHICAGO, ILL 60646

Name and Address of Taxpayer:
SCOTT SCHATTY
73 Newton Ave
Glen Ellyn, IL 60137

STATE & COUNTY TAX	STATE OF ILLINOIS	# 0000013866	REAL ESTATE TRANSFER TAX
	 JUN. 28. 16		00735.00
	DUPAGE COUNTY		FP 326681

735.00

Exhibit "A" – Legal Description

LOT 41 BLOCK 12 IN GLEN ELLYN MANOR, BEING A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 16, 1922 AS DOCUMENT 153289, IN DUPAGE COUNTY, ILLINOIS.



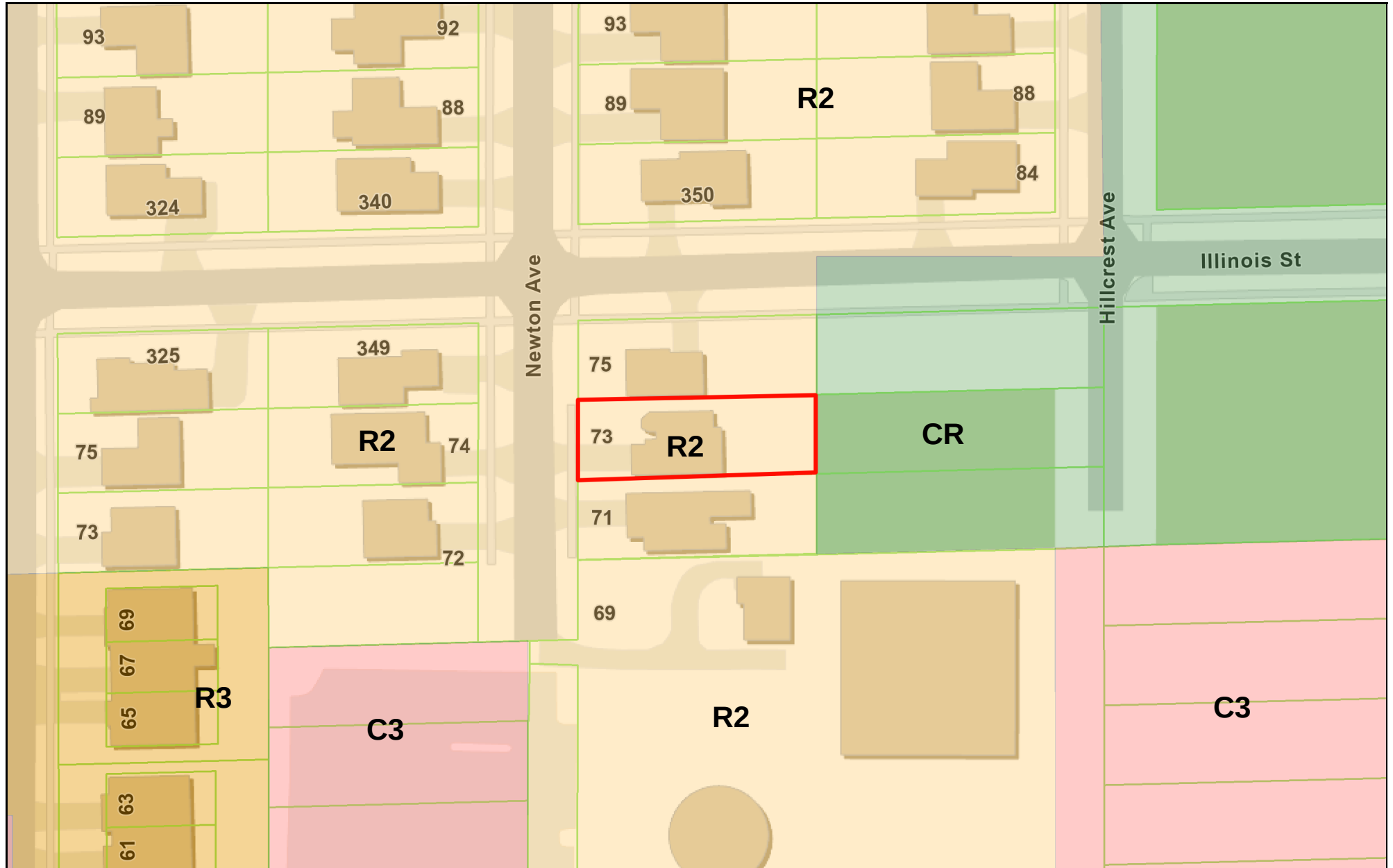
**First American
Title Insurance Company**

FRED BUCHOLZ

R2016-065420

DUPAGE COUNTY RECORDER

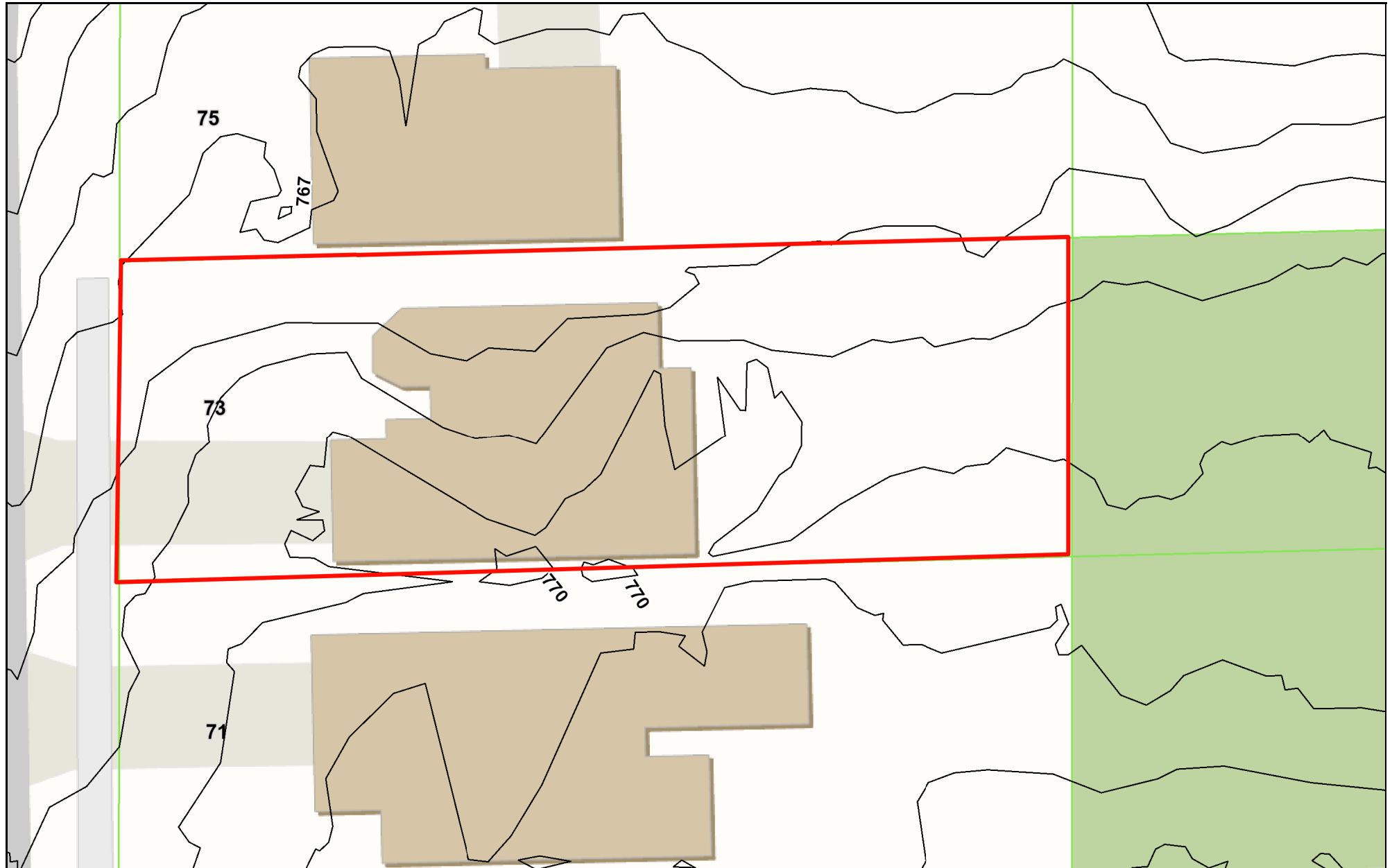
Warranty Deed - Individual



0 100 200 ft

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

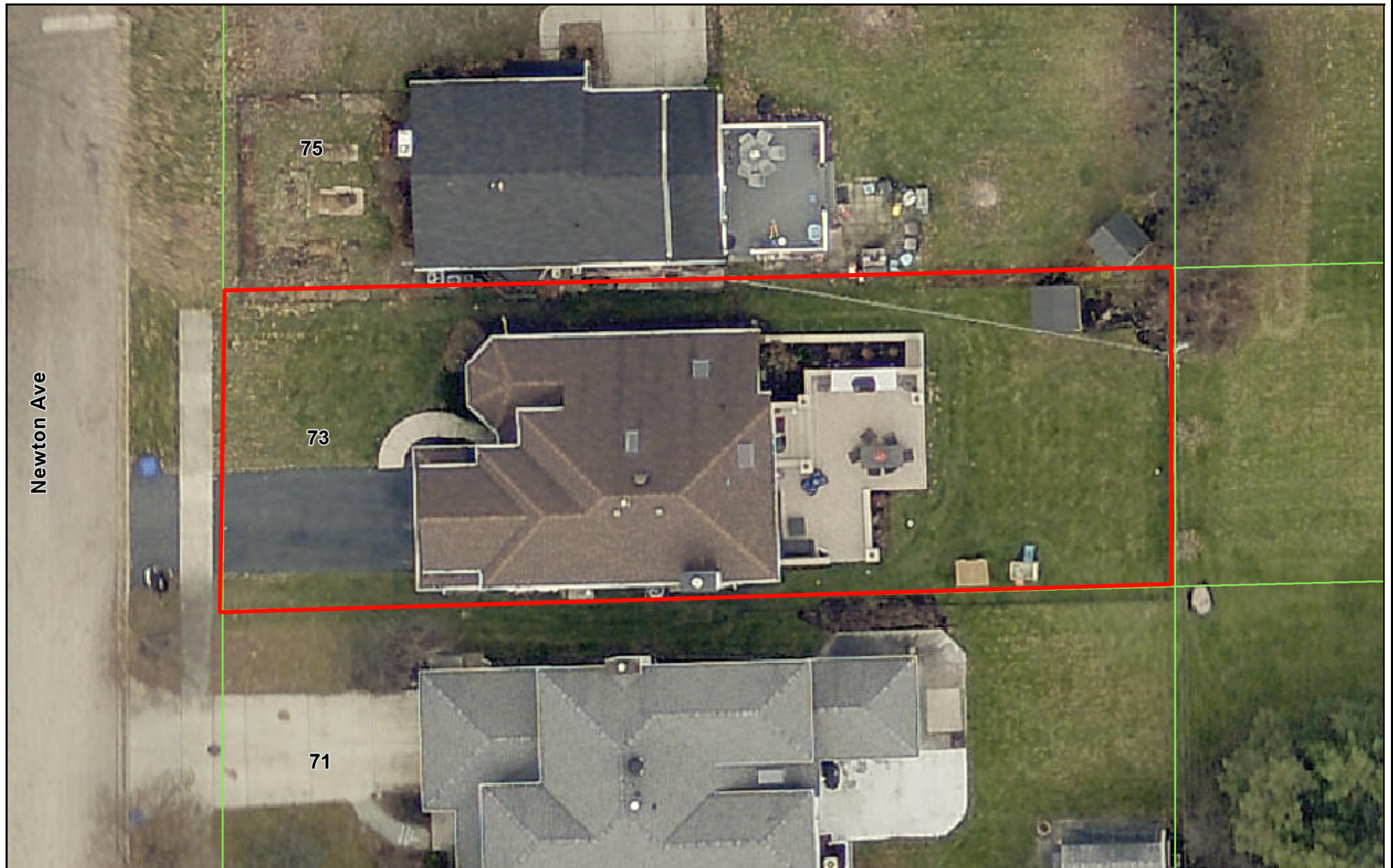
Notes



0 25 50
ft

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Notes



0 25 50
ft

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Notes

PLAT OF SURVEY

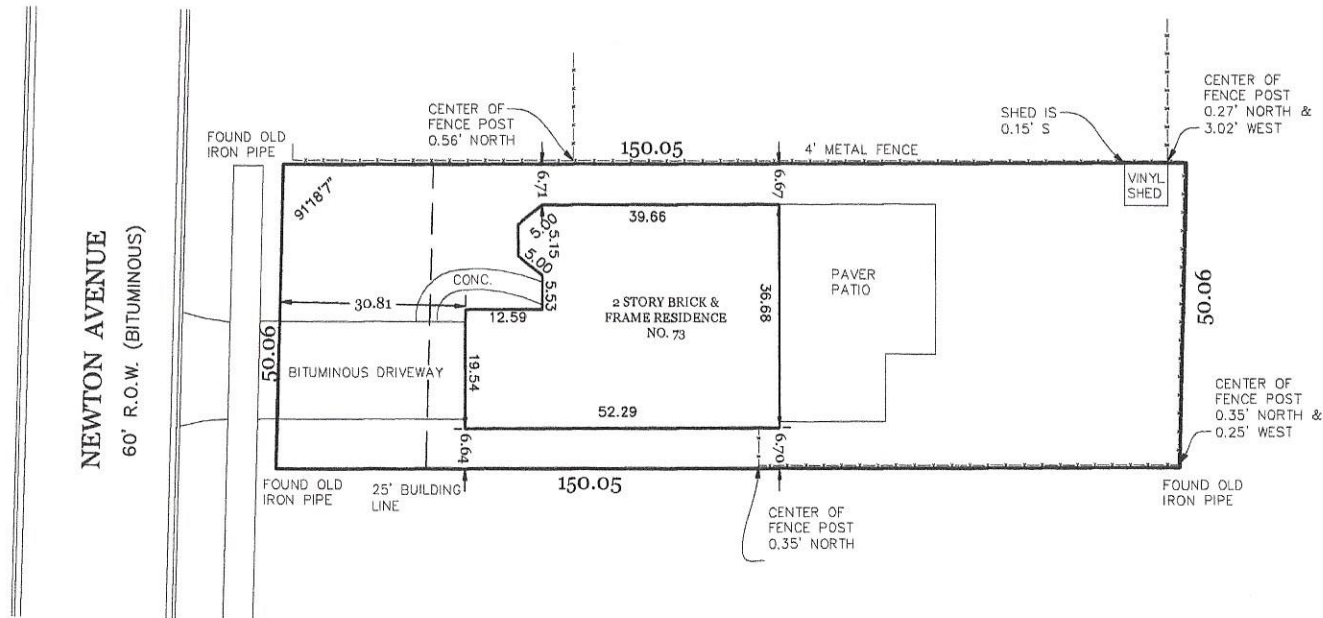
LOT 41 BLOCK 12 IN GLEN ELLYN MANOR, BEING A SUBDIVISION OF THE SOUTHEAST 1/4 SECTION 15, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON JANUARY 16, 1922 AS DOCUMENT NUMBER 153289, IN DUPAGE COUNTY, ILLINOIS.

PIN: 05-15-421-002

ADDRESS: 73 NEWTON AVENUE, GLEN ELLYN, ILLINOIS 60137



NORTH
SCALE: 1 IN. = 20 FT.



THIS SURVEY MEETS ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY
STATE OF ILLINOIS
COUNTY OF DUPAGE) S.S.

I, WARREN D. JOHNSON, HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE PROPERTY AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

DATED AT WHEATON, IL. THIS 25TH DAY OF AUGUST A.D. 2020.

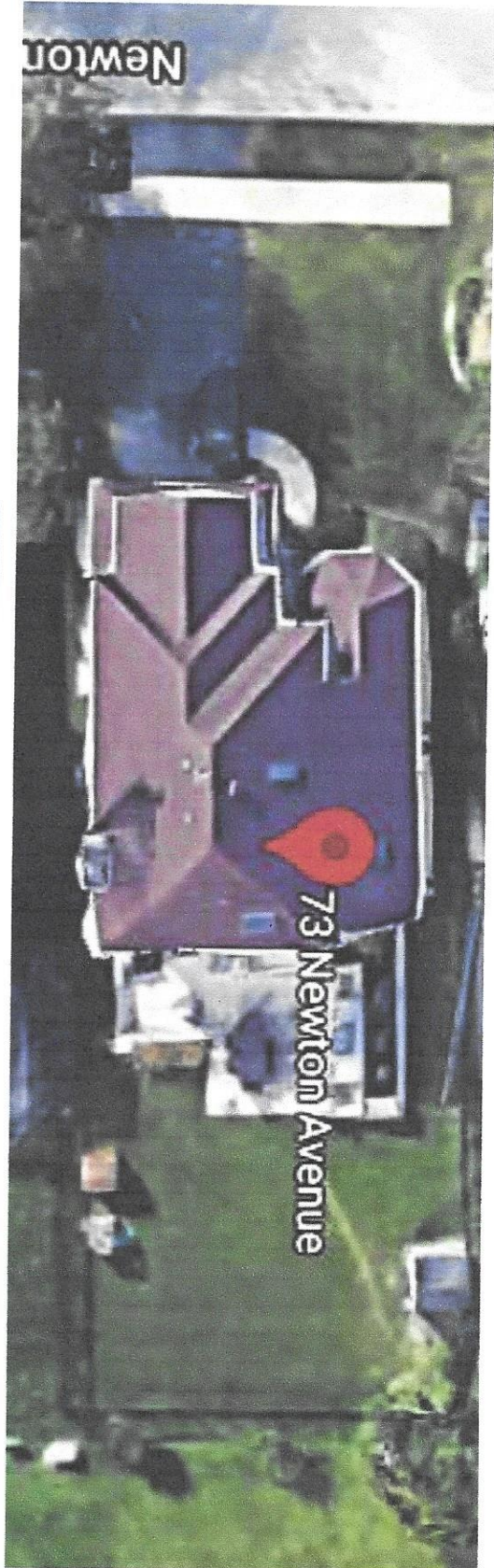
ILLINOIS REGISTERED LAND SURVEYOR NO. 2971



3661

DJA CIVIL ENGINEERS & SURVEYORS

Dave Johnson and Associates, Ltd.
1568 Holiday Drive
Sandwich, Illinois 60548
ph. 630 752 8600 fax. 630 752 9556
e-mail: Dave@DJAonline.net



EXISTING CONDITIONS
SCALE: NTS



SCHAETTY RESIDENCE

73 Newton Ave, Glen Ellyn, IL 60137

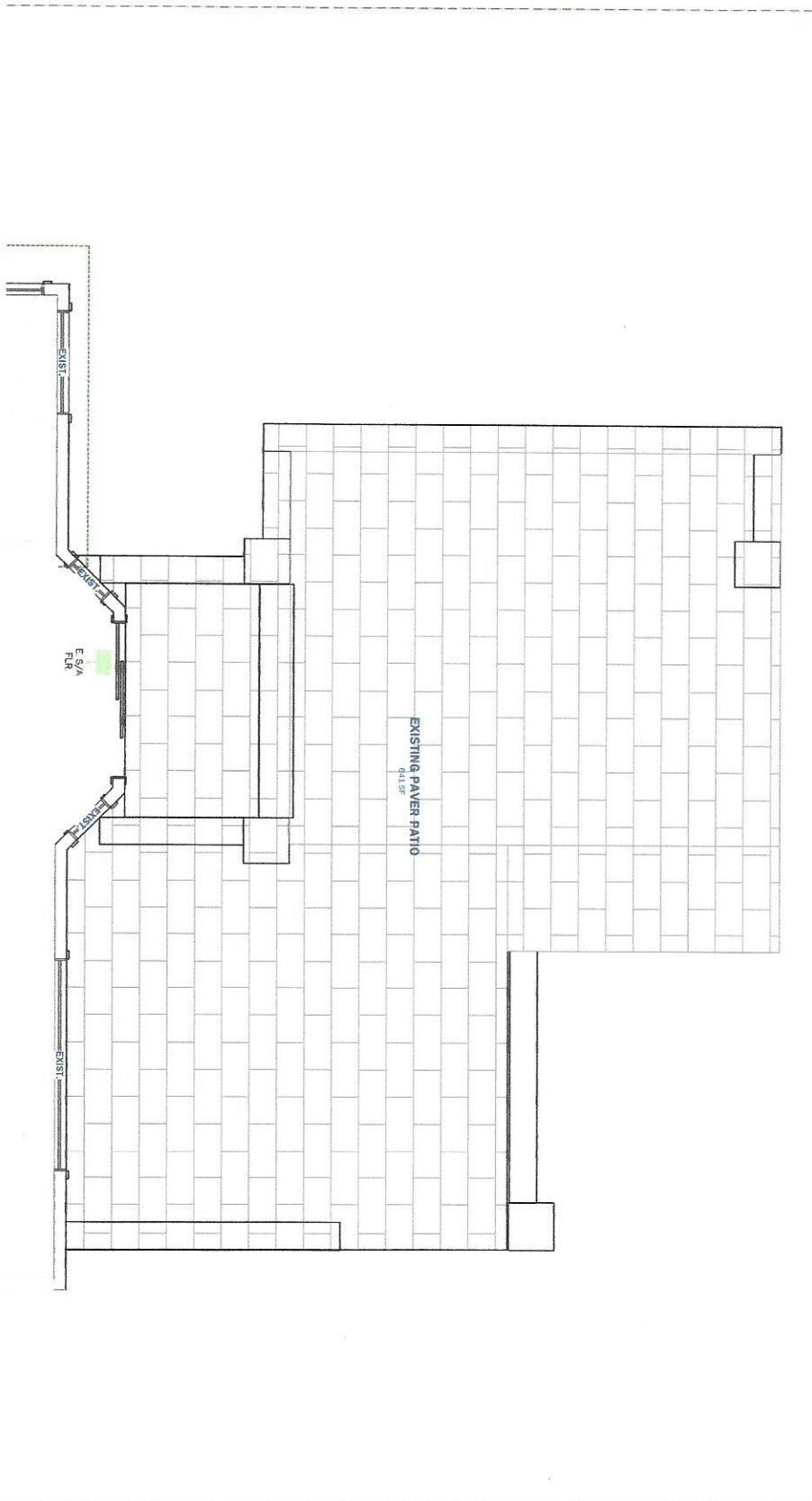
DESIGN first
REMODELING HOMES
BUILDING RELATIONSHIPS

DESIGNFIRST BUILDERS
1201 NORWOOD AVE.
ITASCA, IL 60143
(630) 250-7777
contact@dfbuilders.com





CLIENT INITIAL: _____ DESIGNER INITIAL: _____

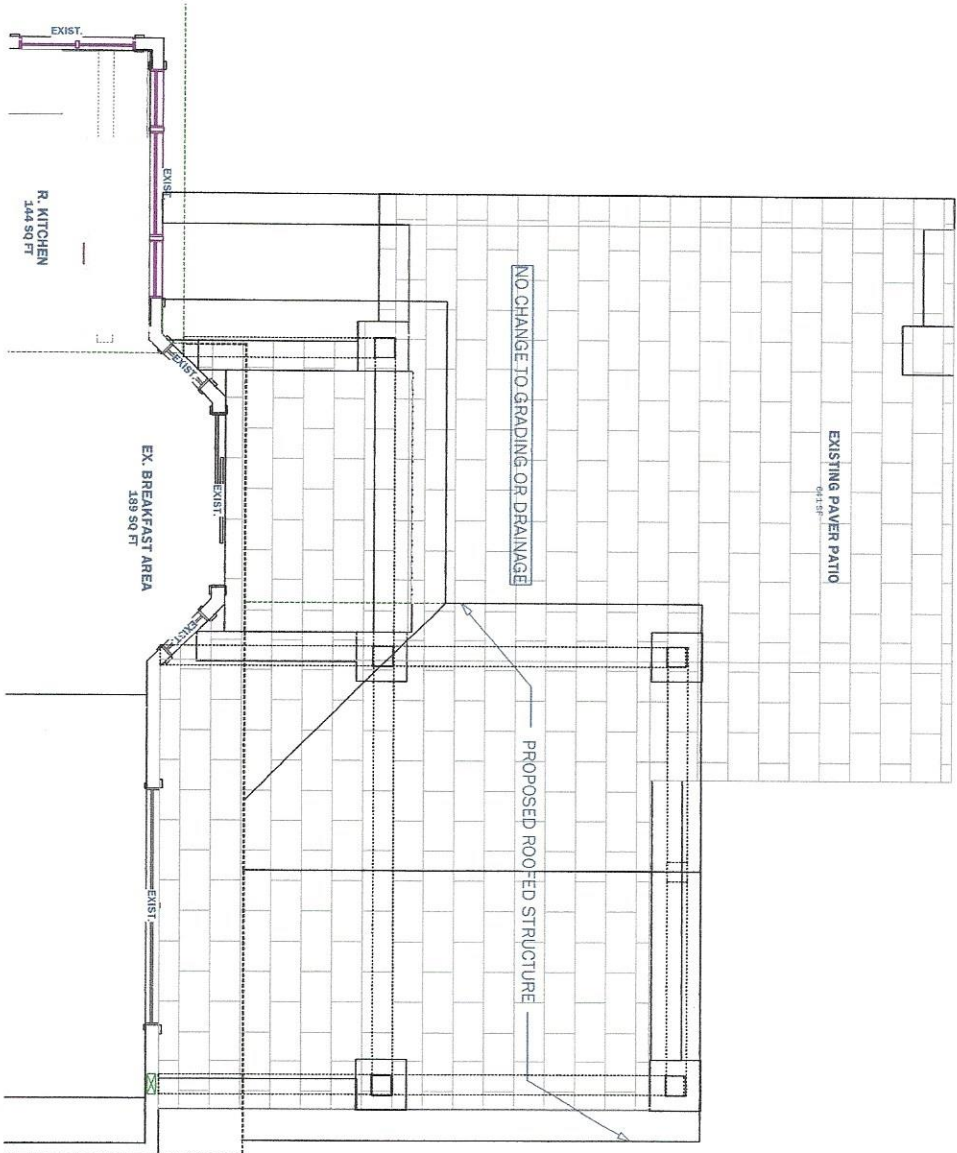


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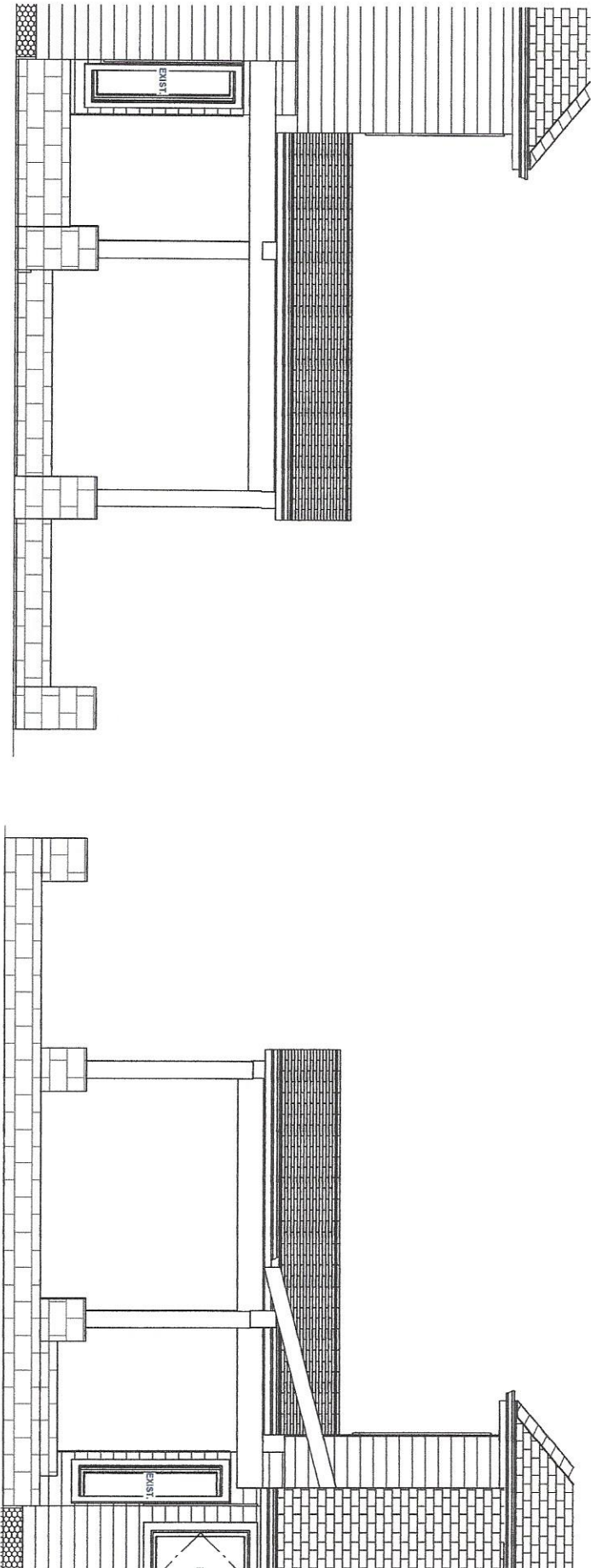


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contact@dfbuilders.com

SCHAETTY RESIDENCE
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SOUTH ELEVATION

NORTH ELEVATION

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BUILDING RELATIONSHIPS

DESIGNFIRST BUILDERS
1201 NORWOOD AVE.
ITASCA, IL 60143
(630) 250-7777
contact@dfbuilders.com

SCHAETTY RESIDENCE
73 Newton Ave, Glen Ellyn, IL 60137







NOTICE OF PUBLIC HEARING

Scott and Noreen Schaetty, owners of the property located at 73 Newton Avenue, Glen Ellyn, are requesting a public hearing for a zoning variation in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code. Before the Glen Ellyn Village Board can consider this request, the Glen Ellyn Zoning Board of Appeals must conduct a public hearing. The Zoning Board of Appeals will conduct a public hearing on **Tuesday, December 8, 2020, at 7:00 p.m. via the virtual meeting platform, Zoom.**

The property owners are requesting approval of a variation from the Glen Ellyn Zoning Code to allow the existing roof of the house to be enlarged by 334 square feet to cover part of the existing patio to the rear of the house. To accommodate this project, the property owners are requesting approval of the following zoning variations from the Glen Ellyn Zoning Code:

1. Section 10-4-8(E)(1) to allow a lot coverage ratio of 27.7 percent where a lot coverage ratio of no more than 20 percent is permitted for structures one story or greater in the R2 Residential District; 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 property is zoned R2 Residential District, and is legally described as follows:

LOT 41 BLOCK 12 IN GLEN ELLYN MANOR, BEING A SUBDIVISION OF PART OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 16, 1922 AS DOCUMENT 153289, IN DUPAGE COUNTY, ILLINOIS.

PINs: 05-15-421-002

To view some plans related to the proposed project, please visit the Village website here: <http://www.glenellyn.org/246/Public-Notice-Portal>. Plans are also on file in the Community Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois. These plans and a staff report will be posted on the Village's website for public viewing on the Agendas and Minutes page for public viewing no later than Friday, December 4, 2020, linked here, <http://glenellynvillageil.iqm2.com/Citizens/default.aspx>. If you have questions, please contact Cole Jackson, Associate Planner, at either (630) 547-5246 or cjackson@glenellyn.org.

On June 12, 2020, Governor Pritzker signed PA 101-0640 (SB2135) into law. This new law amends the Open Meetings Act ILCS 120 to expressly authorize public bodies to meet remotely without the otherwise required quorum present at the meeting place while a disaster declaration is in place. The Covid-19 disaster declaration satisfies this condition, allowing Zoning Board of Appeals members to participate electronically in meetings at this time. The public is welcome to observe and participate in all meetings of the Zoning Board of Appeals.

All persons who are interested are invited to attend the public hearing via Zoom. Any public questions or comments regarding this request should be submitted in advance of the meeting either via the Zoning Board of Appeals public comment form, linked here, <https://glenellynil.seamlessdocs.com/f/publiccommentzba> or via email to Cole Jackson, Associate Planner, at cjackson@glenellyn.org. All public comments received by 5:00 pm on Tuesday, December 8, 2020 will be read into the record at the public hearing. The public may also observe and participate in the meeting in progress on Zoom. The Zoom information is provided below.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84874590291?pwd=TXIxcGtIRmtXK2FQMmg3eHFoU2VpUT09>

Passcode: 234012

Or iPhone one-tap:

US: +13126266799,,84874590291#,,,,,0#,,234012# or
+16465588656,,84874590291#,,,,,0#,,234012#

Or Telephone, Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 253 215 8782 or
+1 346 248 7799 or +1 669 900 9128
Webinar ID: 848 7459 0291
Passcode: 234012

International numbers available: <https://us02web.zoom.us/j/kcOzEFXgvH>

NOTICE OF PUBLIC HEARING
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<https://us02web.zoom.us/j/84874590291?pwd=TXIxcGtRMTlXK2FQMmg3eHFOU2VpUT09>

Passcode: 234012

Or iPhone one-tap:

US: +13126266799,84874590291#,,,,,0#,,234012# or

+16465588656,84874590291#,,,,,0#,,234012#

Or Telephone, Dial (for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or

+1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128

Webinar ID: 848 7459 0291

Passcode: 234012

International numbers available:

<https://us02web.zoom.us/j/kcOzEFXgvH>

Published in Daily Herald November 21, 2020 (4554705)

RECEIVED

DEC 02 2020

VILLAGE OF GLEN ELLYN

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 11/21/2020 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

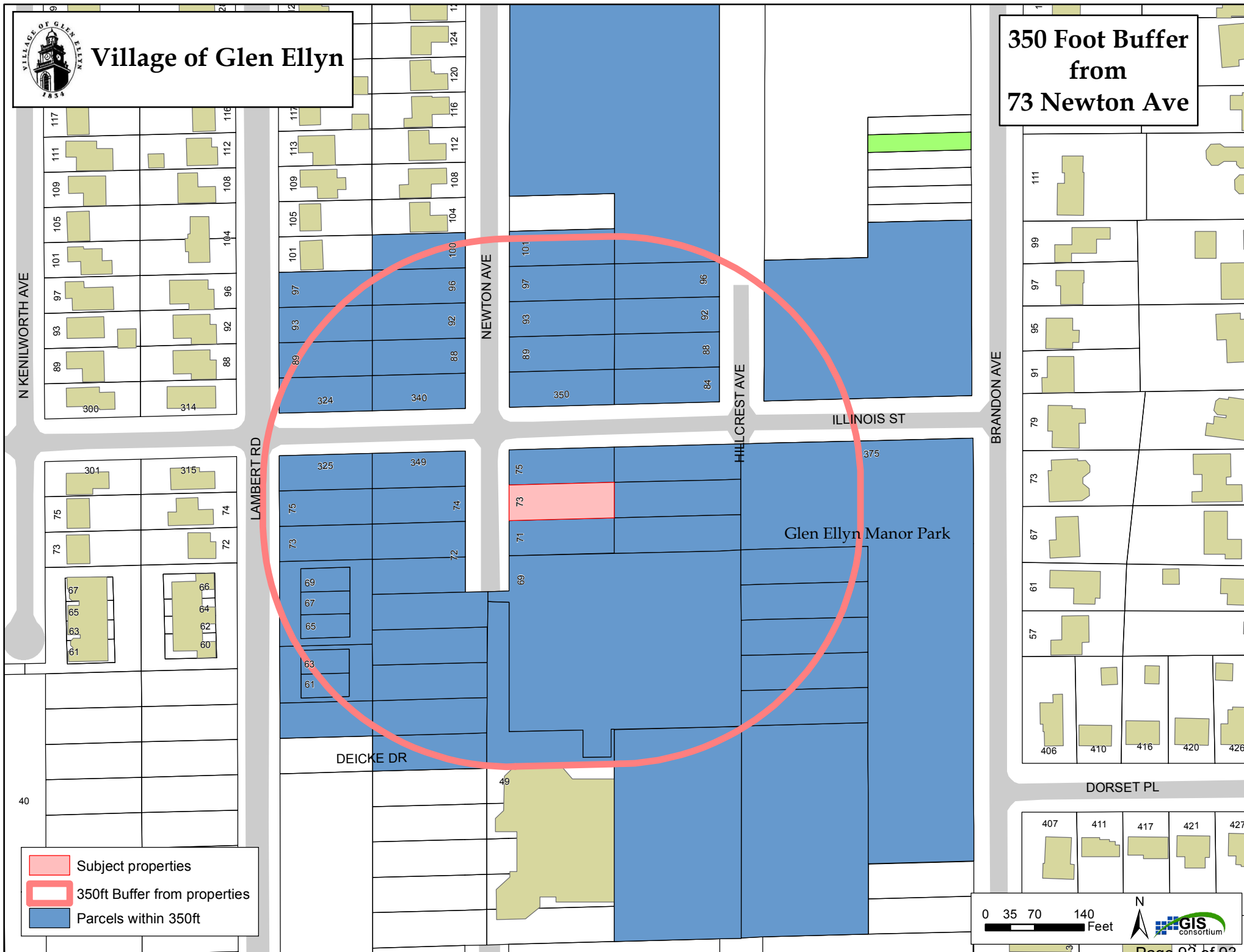
Designee of the Publisher and Officer of the Daily Herald

Control # 4554705



Village of Glen Ellyn

350 Foot Buffer
from
73 Newton Ave



List of Addresses
73 Newton Rd. Glen Ellyn, IL 60137

Recipient	Street Number	Street Direction	Street Name	City	State	Zip Code
ANDERBERG, LINDA	325		ILLINOIS ST	GLEN ELLYN	IL	60137
ANSELMO, T & M FIELMANN	93	N	LAMBERT RD	GLEN ELLYN	IL	60137
BABBITT, GLEN & NANCY	63	N	LAMBERT RD	GLEN ELLYN	IL	60137
BENNETT, BRIAN F & LISA C	88		HILLCREST AVE	GLEN ELLYN	IL	60137
BENT, BYRON & AIMEE	84		HILLCREST AVE	GLEN ELLYN	IL	60137
BRADY, TIMOTHY	349		ILLINOIS ST	GLEN ELLYN	IL	60137
BULTHUIS, DANIEL	96		HILLCREST AVE	GLEN ELLYN	IL	60137
DAVENPORT, CAROLYN T	97		NEWTON AVE	GLEN ELLYN	IL	60137
DIGIACOMA, M & L RIDINGER	74		NEWTON AVE	GLEN ELLYN	IL	60137
DORSEY, KAMERON & S	97	N	LAMBERT RD	GLEN ELLYN	IL	60137
FAGAN, DAVID J	71		NEWTON AVE	GLEN ELLYN	IL	60137
GLEN ELLYN PARK DIST	185		SPRING AVE	GLEN ELLYN	IL	60137
KELLI HOMES	93		NEWTON AVE	GLEN ELLYN	IL	60137
KOHLER RAUSCH, PAUL	350		ILLINOIS ST	GLEN ELLYN	IL	60137
KRZYSKO, RICHARD A	67		LAMBERT RD	GLEN ELLYN	IL	60137
LALOWSKI, URANIA	92		NEWTON AVE	GLEN ELLYN	IL	60137
LAMBERT TOWNHOUSE ASSOC	67	N	LAMBERT RD	GLEN ELLYN	IL	60137
LINDGREN, TODD & ERIN D	75		NEWTON AVE	GLEN ELLYN	IL	60137
MELTON, MICHAEL T	100		NEWTON AVE	GLEN ELLYN	IL	60137
MEYER, STEVEN & MAUREEN	65	N	LAMBERT RD	GLEN ELLYN	IL	60137
MURPHY, K & S OCHOA	89	N	LAMBERT RD	GLEN ELLYN	IL	60137
NOVAK, DOUGLAS & LINDA M	324		ILLINOIS ST	GLEN ELLYN	IL	60137
PAWSKI, ROLF & LOREENE	92		HILLCREST AVE	GLEN ELLYN	IL	60137
POST, CHARLES & BARBARA	96		NEWTON AVE	GLEN ELLYN	IL	60137
PREDKI, TOMASZ J	75	N	LAMBERT RD	GLEN ELLYN	IL	60137
PRISCO, CHARLES & SHARON	88	N	NEWTON AVE	GLEN ELLYN	IL	60137
RANDALL, PATRICIA A	69	N	LAMBERT AVE	GLEN ELLYN	IL	60137
SCHAETTY, SCOTT J	73		NEWTON AVE	GLEN ELLYN	IL	60137
THORNTON, MICHAEL S	101		NEWTON AVE	GLEN ELLYN	IL	60137
VAN GORP, CAROL	89		NEWTON AVE	GLEN ELLYN	IL	60137
VELAZQUEZ, JOSE	73	N	LAMBERT RD	GLEN ELLYN	IL	60137
VILLAGE OF GLEN ELLYN	535		DUANE ST	GLEN ELLYN	IL	60137
VILLAGE OF GLEN ELLYN	498		PENNSYLVANIA AVE	GLEN ELLYN	IL	60137
VP2721 TR	61	N	LAMBERT RD	GLEN ELLYN	IL	60137
YMCA OF NW DUPAGE COUNTY	49		DEICKE DR	GLEN ELLYN	IL	60137
ZIMNY, IRVIN C & MARY T	72		NEWTON	GLEN ELLYN	IL	60137
ZUR, THOMAS & KATHLEEN	340		ILLINOIS ST	GLEN ELLYN	IL	60137