Agenda
Village of Glen Ellyn
Regular Village Board Meeting
Monday, July 26, 2021
7:00 PM
Glen Ellyn Civic Center, Galligan Board Room
In Person Meeting Only

Meeting Procedures Statement

Visitors are welcome to attend all meetings of the Village Board and can find copies of the Agenda at the meeting or online at www.glenellyn.org prior to the meeting. Meetings are taped and also televised on WideOpenWest Channel 6, AT&T Channel 99, and Comcast Cable Services Channel 10. Any individual with a disability requiring a reasonable accommodation in order to participate in a meeting should contact The Village of Glen Ellyn ADA Coordinator, 630-469-5000, in advance of the next scheduled meeting. All matters on the Agenda may be discussed, amended, and acted upon.

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

D. Audience Participation

1) Open:

Members of the public are welcome to speak to any item not specifically listed on tonight's agenda for up to (3) three minutes. For those items which are on tonight's agenda, the public will have the opportunity to comment at the time the item is discussed. In either case, please complete the Audience Participation form and turn it in to the Village Clerk. It is requested that, if possible, one spokesman for a group be appointed to present the views of the entire group. Speakers who are recognized are requested to step to a microphone and state their name, their topic and the group, if any, they are representing prior to addressing the Village Board. Individuals wishing to address the Board shall exercise proper decorum and respect for the proceedings and the business of the Village Board, and shall refrain from abusive demeanor and language. The practice of ceding time to other speakers shall be prohibited, except in the discretion of the presiding officer of the meeting. Public officials are not obligated to respond to questions.

In lieu of participating in the live meeting, the public may also complete a public comment form, which will be read into the record during the meeting. This form can be found at www.glenellyn.org/publiccomment.

E. Consent Agenda - The following items are considered routine business by the Village Board and will be approved in a single vote in the form listed below:

Motion to approve the following items including Payroll and Vouchers totaling $1,243,535.61. These agenda items have been reviewed by the Management Team & Village Attorney and are consistent with the Village's Purchasing Policy (Trustee Gould)

1) Total Expenditures (Payroll and Vouchers) - $1,243,535.61

2) Approve the Recommendation of Village President Mark Senak that the following Appointments be made for Various Boards and Commissions:

   Community Relations Commission: Sania Irwin, Chair, with a Term Ending July 31, 2022
   Plan Commission: Jim Ozog, Commissioner, with a Term Ending July 31, 2024

3) Ordinance No. 6885-VC, An Ordinance to Amend the Liquor License Control Code Chapter 19 of Title 3, Section 11 (Class D-5) and Amend the Liquor License Control Code Chapter 19 of Title 3, Section 12 (Restriction on Number of Licenses) to Increase the Number of Permitted Class D-5 Liquor Licenses (Village Attorney Mathews)

4) Ordinance No. 6886 - VC, An Ordinance Amending Chapter Six of Title Seven (Solid Waste Collection and Disposal) of the Village Code, to Update the Refuse Fee Structure (Assistant Manager Rodman)

5) Ordinance No. 6887, An Ordinance Approving a Variation from the Supplemental Regulations to Allow Accessory Structures to Remain on a Lot without a Principal Structure on the Property Located at 551 Geneva Road (Community Development Director Springer)

6) Authorize the Village Manager to Execute a One Year Extension to the Existing Contract with B&B Holiday Decorating LLC of Des Plaines, IL for Holiday Decorations in a Not-to-Exceed Amount of $38,000, to be Expensed to the General Fund (Public Works Director Buckley)

7) Pursuant to Section 1-10-7 of the Village Code, Authorize the Purchase a 2021 John Deere 6500A E-Cut Fairway Mower through the Soucewell Purchasing Program from JW Turf of Elgin, Illinois, in the Amount of $56,695, to be Expensed to the Village Links/Reserve 22 Fund (General Manager Vesevick)

F. 22W315 Stanton Road Annexation Agreement (Presented by Community Development Director Springer) (Trustee Thompson)

1) Motion to open a public hearing to consider an annexation agreement for 22W315 Stanton Road.

2) Motion to close a public hearing to consider an annexation agreement for 22W315 Stanton Road.

3) Motion to approve Ordinance No. 6888, An Ordinance Approving an Annexation Agreement for the Property Located at 22W315 Stanton Road (Proposed Address: 645 Stanton Road)

G. 523 Fairway Court Construction Necessitated Zoning Variation Request (Presented by Community Development Director Springer) (Trustee Gould)

1) Motion to approve Ordinance No. 6889, An Ordinance Approving a Construction Necessitated Variation from the Accessory Structure Setback Requirements of the Zoning Code to Maintain a Pergola on the Property at 523 Fairway Court

H. 85 Sunset Avenue Construction Necessitated Zoning Variation Request (Presented by Community Development Director Springer) (Trustee Gould)

1) Motion to approve Ordinance No. 6890, An Ordinance Approving a Construction-Necessitated Zoning Variation from the Impervious Surface Setback Requirements of the Zoning Code to Maintain a Walkway on the Property at 85 Sunset Avenue

I. Apex 400 Redevelopment Agreement Amendment (Presented by Village Manager Franz) (Trustee Thompson)

1) Motion to approve Ordinance No. 6891, An Ordinance Approving a Second Amendment to the Redevelopment Agreement Between the Village of Glen Ellyn and GSP Development, LLC Concerning 400 & 418-424 N. Main Street

J. Reminders

1) A Special Village Board Workshop is scheduled for Monday, August 9, 2021 at 7:00 p.m. in the Community Room of the Glen Ellyn Police Department.

2) A Village Board Meeting is scheduled for Monday, August 23, 2021 at 7:00 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

K. Other Business

L. Adjourn

Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting 7/26/2021 7:00 PM
Department: Finance
Department Head: Christina Coyle
Category: Vouchers
Prepared By: Christina Coyle

AGENDA ITEM (ID # 2021-991)

DOC ID: 2021-991

Total Expenditures (Payroll and Vouchers) - $1,243,535.61

Statement of the Issue:
Please see the attached voucher report.

Analysis:
N/A

Budget Impact:
N/A

Action Requested:
Please approve the attached vouchers.

Attachments:

1. Village Board Voucher List 2021-07-26

Approval of Vouchers
For the Village Board Meeting on July 26, 2021

EXPENDITURES:

Accounts Payable Warrant 0721-2	$387,495.99		
Accounts Payable Warrant 0721-3	$242,597.62		
Sub-Total	**$630,093.61**	**Warrant Total**	**$630,093.61**

PAYROLL EXPENDITURES

	July 16, 2021		
Net Employee Payroll Checks	$388,745.05		
Employee & Employer Payroll Deductions:			
Employee Deductions*	$168,185.72		
IMRF - Employer contribution	$24,996.05		
Social Security/Medicare Tax Withheld - Employer portion	$31,515.18		
Total Payroll	**$613,442.00**		**$613,442.00**
		GRAND TOTAL	**$1,243,535.61**

* Employee deductions include contributions for pensions, health insurance, union dues and other employee directed deductions such as tax withholdings, 457 & 125 plan contributions and supplemental life insurance.

VILLAGE OF GLEN ELLYN

VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
307 1ST AYD CORPORATION											
PSI459983		06/21/2021		0721-3	245291	445.78	445.78	07/08/2021	INV	PD	OPERATING SUPPLIES
CHECK DATE: 07/16/2021											
2021 A-RELIABLE PRINTING											
23787		07/01/2021		0721-3	245292	83.00	83.00	07/16/2021	INV	PD	BUSINESS CARDS - M. BR
CHECK DATE: 07/16/2021											
10559 ALLIED GARAGE DOOR INC											
0000173977		06/30/2021		0721-3	245293	235.75	235.75	07/08/2021	INV	PD	EMERGENCY SERVICE CALL
CHECK DATE: 07/16/2021											
0000174496		06/30/2021		0721-3	245293	289.50	289.50	07/16/2021	INV	PD	PM FOR PD DOORS
CHECK DATE: 07/16/2021											
						525.25					
12567 AMAZON.COM SALES, INC.											
1KJL-G7NN-JVKH		06/27/2021		0721-2	245251	168.98	168.98	07/09/2021	INV	PD	PC TECH EQUIPMENT
CHECK DATE: 07/09/2021											
141M-MVHL-X7X1		05/24/2021		0721-3	245294	110.98	110.98	07/09/2021	INV	PD	HD'S FOR INVENTORY
CHECK DATE: 07/16/2021											
						279.96					
52 SOUTH WEST INDUSTRIES INC											
INV-44321-T8V5		07/01/2021		0721-3	245295	211.00	211.00	07/08/2021	INV	PD	MONTHLY MAINTENANCE JU
CHECK DATE: 07/16/2021											
4262 ANDERSON LOCK COMPANY											
1069060		07/14/2021		0721-3	245296	30.00	30.00	07/14/2021	INV	PD	CYLINDER CHANGE FOR AD
CHECK DATE: 07/16/2021											
58 ARMBRUST PLUMBING, HEATING, & AIR, INC.											
21262099		07/02/2021		0721-3	245297	219.00	219.00	07/08/2021	INV	PD	SERVICE CALL
CHECK DATE: 07/16/2021											
65 AT&T											
630Z99013106 0621		06/16/2021		0721-2	245252	63.55	63.55	07/09/2021	INV	PD	E911 630Z9901310
CHECK DATE: 07/09/2021											
12489 BALANCED ENVIRONMENTS, INC.											
97467		07/01/2021		0721-3	245298	690.00	690.00	07/16/2021	INV	PD	JULY 2021 LANDSCAPE MA
CHECK DATE: 07/16/2021											
82 BELL FUELS, INC.											
345006		06/16/2021		0721-2	245253	531.38	531.38	07/02/2021	INV	PD	DIESEL FUEL

VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
CHECK DATE: 07/09/2021											
345007		06/16/2021		0721-2	245253	2,212.27	2,212.27	07/02/2021	INV	PD	GAS FOR MAINT & CARTS
CHECK DATE: 07/09/2021											
346203		06/29/2021		0721-2	245253	1,482.15	1,482.15	07/02/2021	INV	PD	GAS FOR MAINT & CARTS
CHECK DATE: 07/09/2021											
346204		06/29/2021		0721-2	245253	485.37	485.37	07/02/2021	INV	PD	DIESEL FUEL
CHECK DATE: 07/09/2021											
						4,711.17					
10610 BLUESTEM ECOLOGICAL SERVICES, INC											
2537		06/15/2021		0721-2	245254	424.00	424.00	07/09/2021	INV	PD	STEWARDSHIP MAINT. - S
CHECK DATE: 07/09/2021											
12325 DEANNE BOVIO											
12325		06/23/2021		0721-3	245299	31.99	31.99	07/16/2021	INV	PD	UNIFORM REIMBURSEMENT
CHECK DATE: 07/16/2021											
5354 UNITED COMMUNICATION SYSTEMS											
425453		07/15/2021		0721-3	245300	4,857.69	4,857.69	07/16/2021	INV	PD	TELECOMMUNICATIONS #12
CHECK DATE: 07/16/2021											
120 CANON SOLUTIONS AMERICA, INC											
26955334		06/23/2021		0721-2	245255	1,477.70	1,477.70	07/09/2021	INV	PD	VILLAGE COPIERS
CHECK DATE: 07/09/2021											
10505 CDM SMITH INC											
90128067	20170019	06/29/2021		0721-3	245301	30,445.04	30,445.04	07/16/2021	INV	PD	METRA DESIGN, PHASE I
CHECK DATE: 07/16/2021											
12625 CENTREL SOLUTIONS LTD											
I0892		06/18/2021		0721-2	245256	344.08	344.08	07/09/2021	INV	PD	APP LAUNCHER MAINT.
CHECK DATE: 07/09/2021											
1076 CINTAS CORPORATION NO 2											
4089388949		07/08/2021		0721-3	245302	81.33	81.33	07/16/2021	INV	PD	TRAFFIC MATS
CHECK DATE: 07/16/2021											
4089745296		07/12/2021		0721-3	245302	55.21	55.21	07/16/2021	INV	PD	TRAFFIC MATS
CHECK DATE: 07/16/2021											
						136.54					
10119 CLESEN WHOLESALE											
INV21-2287		05/17/2021		0721-3	245303	704.00	704.00	07/16/2021	INV	PD	EXTRA SUMMER CBD FLOWE
CHECK DATE: 07/16/2021											
INV21-2603		05/20/2021		0721-3	245303	2,509.24	2,509.24	07/16/2021	INV	PD	CBD SUMMER FLOWERS
CHECK DATE: 07/16/2021											
INV21-2602		05/20/2021		0721-3	245303	3,586.50	3,586.50	07/16/2021	INV	PD	CBD SUMMER FLOWERS
CHECK DATE: 07/16/2021											

VILLAGE OF GLEN ELLYN

VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
INV21-3006		05/25/2021		0721-3	245303	3,147.00	3,147.00	07/16/2021	INV	PD	CBD SUMMER HANGING BAS
CHECK DATE: 07/16/2021											
						9,946.74					
10952 CONSUMERS PACKING COMPANY											
374829		06/28/2021		0721-2	245257	838.92	838.92	06/30/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/09/2021											
375003		06/25/2021		0721-2	245257	-343.17	-343.17	06/25/2021	CRM	PD	FOOD - RESALE
CHECK DATE: 07/09/2021											
374963		07/01/2021		0721-2	245257	1,388.61	1,388.61	07/01/2021	INV	PD	food - resale
CHECK DATE: 07/09/2021											
375069		07/06/2021		0721-3	245304	1,595.54	1,595.54	07/06/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/16/2021											
375154		07/08/2021		0721-3	245304	1,866.33	1,866.33	07/08/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/16/2021											
						5,346.23					
12577 COPENHAVER CONSTRUCTION INC.											
1	20210043	06/28/2021		0721-2	245258	108,555.03	108,555.03	07/09/2021	INV	PD	UTILITY & RDWAY IMPROV
CHECK DATE: 07/09/2021											
3037 COZZINI BROS INC.											
C9567706		06/29/2021		0721-2	245259	52.00	52.00	06/30/2021	INV	PD	PROFFESIONAL SERVICES
CHECK DATE: 07/09/2021											
C9623226		07/06/2021		0721-3	245305	29.00	29.00	07/06/2021	INV	PD	PROFFESSIONAL SERVICES
CHECK DATE: 07/16/2021											
						81.00					
12612 CROSS COUNTRY COWBOY, INC.											
608		07/02/2021		0721-3	245306	10,544.42	10,544.42	07/14/2021	INV	PD	CAPITAL REPLACEMENT-RA
CHECK DATE: 07/16/2021											
197 CRUSH-CRETE INC											
69887		06/25/2021		0721-3	245307	203.15	203.15	07/08/2021	INV	PD	ASPHALT REPAIR WORK
CHECK DATE: 07/16/2021											
11887 DACRA ADJUDICATION SYSTEMS LLC											
DT 2021-06-13		06/30/2021		0721-3	245308	1,500.00	1,500.00	07/08/2021	INV	PD	JUNE SERVICES
CHECK DATE: 07/16/2021											
204 DAILY HERALD											
184367		06/27/2021		0721-3	245309	128.80	128.80	07/08/2021	INV	PD	PUBLIC NOTICE ESCROW 2
CHECK DATE: 07/16/2021											
184987		07/01/2021		0721-3	245309	350.00	350.00	07/14/2021	INV	PD	GOLF ADVERTISING
CHECK DATE: 07/16/2021											
						478.80					
9921 DORNER PRODUCTS, INC											

VILLAGE OF GLEN ELLYN

VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
157912-IN		06/22/2021		0721-3	245310	400.22	400.22	07/08/2021	INV	PD	REBUILD PRESSURE RELIE
CHECK DATE: 07/16/2021											
242 DU-KANE ASPHALT CO.											
4669		06/03/2021		0721-2	245260	619.36	619.36	07/09/2021	INV	PD	OPERATING SUPPLIES
CHECK DATE: 07/09/2021											
280 EMERGENCY MEDICAL PRODUCTS INC											
2264376		06/24/2021		0721-2	245261	418.97	418.97	07/09/2021	INV	PD	OPERATING SUPPLIES
CHECK DATE: 07/09/2021											
3152 EMPIRE COOLER SERVICE INC.											
0000425821		07/07/2021		0721-3	245311	425.00	425.00	07/14/2021	INV	PD	ICE MACHINE MAINTENANC
CHECK DATE: 07/16/2021											
11334 EURO USA MIDWEST LLC											
595468-00		07/01/2021		0721-2	245262	375.50	375.50	07/01/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/09/2021											
596486-00		07/08/2021		0721-3	245312	929.53	929.53	07/08/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/16/2021											
						1,305.03					
2017 ELLIOTT AUTO SUPPLY COMPANY, INC											
61-524615		06/28/2021		0721-3	245313	124.37	124.37	07/16/2021	INV	PD	PW #241 PARTS
CHECK DATE: 07/16/2021											
162-085732		06/28/2021		0721-3	245313	83.63	83.63	07/16/2021	INV	PD	PW #241 TIE RODS
CHECK DATE: 07/16/2021											
50-3436047		06/28/2021		0721-3	245313	131.94	131.94	07/08/2021	INV	PD	INVENTORY - BATTERIES
CHECK DATE: 07/16/2021											
61-524620		06/28/2021		0721-3	245313	111.41	111.41	07/08/2021	INV	PD	OPERATING SUPPLIES
CHECK DATE: 07/16/2021											
61-524604		06/28/2021		0721-3	245313	62.55	62.55	07/08/2021	INV	PD	INVENTORY - FUEL FILTE
CHECK DATE: 07/16/2021											
61-523923		06/22/2021		0721-3	245313	-10.00	-10.00	07/08/2021	CRM	PD	CORE CREDIT FOR BATTER
CHECK DATE: 07/16/2021											
61-523286		06/16/2021		0721-3	245313	-96.14	-96.14	07/16/2021	CRM	PD	NEW RETURN FOR CREDIT
CHECK DATE: 07/16/2021											
61-524624		06/28/2021		0721-3	245313	119.62	119.62	07/16/2021	INV	PD	PW #241 PARTS
CHECK DATE: 07/16/2021											
						527.38					
301 FEDERAL EXPRESS CORPORATION											
7-413-98094		06/24/2021		0721-3	245314	13.10	13.10	07/08/2021	INV	PD	FD #1DG1 SHIPPING
CHECK DATE: 07/16/2021											
7-422-44423		07/01/2021		0721-3	245314	35.07	35.07	07/16/2021	INV	PD	SHIPPING
CHECK DATE: 07/16/2021											

VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
						48.17					
1726 BRIDGESTONE RETAIL OPERATIONS, LLC											
288809		06/22/2021		0721-3	245315	144.52	144.52	07/08/2021	INV	PD	OPERATING SUPPLIES
CHECK DATE: 07/16/2021											
6345 FORCE AMERICA DISTRIBUTING, LLC											
001-1551099		06/22/2021		0721-3	245316	100.00	100.00	07/08/2021	INV	PD	PW #204 - FIELD SERVIC
CHECK DATE: 07/16/2021											
11828 GET FRESH PRODUCE											
03796298		07/01/2021		0721-2	245263	269.45	269.45	07/01/2021	INV	PD	FOOD - RESAALE, SUPPLI
CHECK DATE: 07/09/2021											
03797351		07/02/2021		0721-2	245263	337.15	337.15	07/02/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/09/2021											
03795297		06/30/2021		0721-2	245263	354.15	354.15	06/30/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/09/2021											
03793932		06/28/2021		0721-2	245263	620.65	620.65	06/30/2021	INV	PD	FOOD - RESALE, SUPPLIE
CHECK DATE: 07/09/2021											
00459190		06/25/2021		0721-2	245263	-24.40	-24.40	06/25/2021	CRM	PD	FOOD - RESALE
CHECK DATE: 07/09/2021											
03792796		06/26/2021		0721-2	245263	427.70	427.70	06/28/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/09/2021											
03799912		07/06/2021		0721-3	245317	378.00	378.00	07/10/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/16/2021											
03800758		07/07/2021		0721-3	245317	430.10	430.10	07/10/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/16/2021											
03801471		07/08/2021		0721-3	245317	226.80	226.80	07/10/2021	INV	PD	FOOD -RESALE
CHECK DATE: 07/16/2021											
03802481		07/09/2021		0721-3	245317	405.15	405.15	07/10/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/16/2021											
03803505		07/10/2021		0721-3	245317	248.50	248.50	07/10/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/16/2021											
03798277		07/03/2021		0721-3	245317	447.60	447.60	07/10/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/16/2021											
03799173		07/05/2021		0721-3	245317	421.40	421.40	07/10/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/16/2021											
						4,542.25					
348 GLEN ELLYN CHAMBER OF COMMERCE											
19801		07/07/2021		0721-3	245318	500.00	500.00	07/16/2021	INV	PD	FRIDA FACEBOOK BOAST A
CHECK DATE: 07/16/2021											
1180 GLEN ELLYN PARK DISTRICT											
DEVELOP0721		07/09/2021		0721-3	245319	6,210.60	6,210.60	07/16/2021	INV	PD	DEVELOPER DONATION JUN
CHECK DATE: 07/16/2021											
7087 GLEN ELLYN POLICE DEPARTMENT											
4002		06/09/2021		0721-2	245264	50.00	50.00	07/02/2021	INV	PD	FALSE ALARM CALL

VILLAGE OF GLEN ELLYN

VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
CHECK DATE: 07/09/2021											
355 GLEN ELLYN PUBLIC LIBRARY											
DEVELOP0721		07/09/2021		0721-3	245320	821.52	821.52	07/16/2021	INV	PD	DEVELOPER DONATION JUN
CHECK DATE: 07/16/2021											
922 VILLAGE OF GLEN ELLYN											
423765-47		07/01/2021		0721-3	27948	133.38	133.38	07/16/2021	DIR	PD	423765 WATER BILL
CHECK DATE: 07/09/2021											
120495-195		07/01/2021		0721-3	27949	148.44	148.44	07/16/2021	DIR	PD	120495 WATER BILL
CHECK DATE: 07/09/2021											
121350-197		07/01/2021		0721-3	27950	30.18	30.18	07/16/2021	DIR	PD	121350 WATER BILL
CHECK DATE: 07/09/2021											
122670-197		07/09/2021		0721-3	27951	43.45	43.45	07/16/2021	DIR	PD	122670 WATER BILL
CHECK DATE: 07/09/2021											
315090-195		07/01/2021		0721-3	27952	448.72	448.72	07/16/2021	DIR	PD	315090 WATER BILL
CHECK DATE: 07/09/2021											
410010-196		07/01/2021		0721-3	27953	225.43	225.43	07/16/2021	DIR	PD	410010 WATER BILL
CHECK DATE: 07/09/2021											
423925-197		07/01/2021		0721-3	27954	112.50	112.50	07/16/2021	DIR	PD	423925 WATER BILL
CHECK DATE: 07/09/2021											
122675-121		07/01/2021		0721-3	27955	19.86	19.86	07/16/2021	DIR	PD	122675 WATER
CHECK DATE: 07/09/2021											
315091-11		07/01/2021		0721-3	27956	272.49	272.49	07/16/2021	DIR	PD	UB WATER ACCT 315091
CHECK DATE: 07/09/2021											
140250-195		07/01/2021		0721-3	28047	165.55	165.55	07/16/2021	DIR	PD	140250 WATER BILL
CHECK DATE: 07/16/2021											
411170-185		07/01/2021		0721-3	28048	73.15	73.15	07/16/2021	DIR	PD	411170 WATER BILL
CHECK DATE: 07/16/2021											
413030-192		07/01/2021		0721-3	28049	1,190.43	1,190.43	07/16/2021	DIR	PD	413030 WATER BILL
CHECK DATE: 07/16/2021											
315215-175		07/01/2021		0721-3	28093	148.95	148.95	07/16/2021	DIR	PD	315215 WATER BILL
CHECK DATE: 07/16/2021											
117878		06/23/2021		0721-2	245265	1,875.00	1,875.00	07/09/2021	INV	PD	RETAIL LIQUOR DEALER'S
CHECK DATE: 07/09/2021											
						4,887.53					
356 GLEN ELLYN VOLUNTEER FIRE CO.											
DEVELOP0721		07/09/2021		0721-3	245321	1,500.00	1,500.00	07/16/2021	INV	PD	DEVELOPER DONATION JUN
CHECK DATE: 07/16/2021											
359 GLENBARD TWNSHP H.S. DIST. 87											
DEVELOP0721		07/09/2021		0721-3	245322	2,053.52	2,053.52	07/16/2021	INV	PD	DEVELOPER DONATION JUN
CHECK DATE: 07/16/2021											
12639 GLORIA GOLEC											
117935		07/01/2021		0721-3	245323	900.00	900.00	07/08/2021	INV	PD	2021 SIDEWALK & CONCRE
CHECK DATE: 07/16/2021											
368 GRACE LUTHERAN CHURCH											

VILLAGE OF GLEN ELLYN

VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
GRACE-118		07/08/2021		0721-2	245266	320.00	320.00	07/08/2021	INV	PD	CUSTODIAL/TELECOM
CHECK DATE: 07/09/2021											
12644 STEVE GREANIAS											
23606		07/12/2021		0721-3	245324	2,457.00	2,457.00	07/16/2021	INV	PD	RETT #23606 REFUND - 4
CHECK DATE: 07/16/2021											
5049 GROOT INDUSTRIES INC.											
7349009		07/01/2021		0721-3	245325	481.23	481.23	07/14/2021	INV	PD	TRASH SERVICE
CHECK DATE: 07/16/2021											
2081 HAMPTON, LENZINI AND RENWICK, INC.											
20211075		07/07/2021		0721-3	245326	5,325.00	5,325.00	07/16/2021	INV	PD	TREE PRESERV. AND WETL
CHECK DATE: 07/16/2021											
8514 MEREDITH A HANNAH											
117879		06/30/2021		0721-2	245267	107.39	107.39	07/09/2021	INV	PD	SUPPLIES FOR LUNCH IN
CHECK DATE: 07/09/2021											
2324 HARRIS MOTOR SPORTS, INC.											
02-289730		07/01/2021		0721-3	245327	2,501.66	2,501.66	07/14/2021	INV	PD	GPS LEASE
CHECK DATE: 07/16/2021											
10546 THOMAS HARTZELL											
118104		07/10/2021		0721-3	245328	40.00	40.00	07/16/2021	INV	PD	TRAVEL EXPENSE REIMBUR
CHECK DATE: 07/16/2021											
6405 HIGHLAND BAKING CO											
0002497295		06/26/2021		0721-2	245268	197.99	197.99	06/26/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/09/2021											
0002498123		06/28/2021		0721-2	245268	51.43	51.43	06/30/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/09/2021											
0002499301		06/30/2021		0721-2	245268	32.85	32.85	06/30/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/09/2021											
0002498873		06/29/2021		0721-2	245268	60.80	60.80	06/30/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/09/2021											
0002500912		07/02/2021		0721-2	245268	157.54	157.54	07/02/2021	INV	PD	REC
CHECK DATE: 07/09/2021											
0002500012		07/01/2021		0721-2	245268	89.09	89.09	07/01/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/09/2021											
0002503333		07/07/2021		0721-3	245329	87.75	87.75	07/08/2021	INV	PD	FOOD -RESALE
CHECK DATE: 07/16/2021											
0002504070		07/08/2021		0721-3	245329	63.09	63.09	07/08/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/16/2021											
0002504952		07/09/2021		0721-3	245329	79.48	79.48	07/09/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/16/2021											
0002505872		07/10/2021		0721-3	245329	121.34	121.34	07/10/2021	INV	PD	FOOD - RESALE

VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
CHECK DATE: 07/16/2021											
0002501810		07/03/2021		0721-3	245329	103.53	103.53	07/08/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/16/2021											
0002502149		07/04/2021		0721-3	245329	100.16	100.16	07/08/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/16/2021											
0002502274		07/05/2021		0721-3	245329	92.17	92.17	07/08/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/16/2021											
0002502894		07/06/2021		0721-3	245329	121.32	121.32	07/08/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/16/2021											
						1,358.54					
8568 HOUSE OF GRAPHICS, INC											
2104101		04/22/2021		0721-3	245330	175.50	175.50	07/16/2021	INV	PD	PRINTING M. SENAK NOTE
CHECK DATE: 07/16/2021											
2105010		05/11/2021		0721-3	245330	132.00	132.00	07/16/2021	INV	PD	PRINTING - NAME BADGES
CHECK DATE: 07/16/2021											
2104100		04/22/2021		0721-3	245330	450.00	450.00	07/16/2021	INV	PD	PRINTING - NAME BADGES
CHECK DATE: 07/16/2021											
2106171		06/24/2021		0721-3	245330	310.00	310.00	07/16/2021	INV	PD	PRINTING - PARK BY THE
CHECK DATE: 07/16/2021											
2106153		06/22/2021		0721-3	245330	323.65	323.65	07/16/2021	INV	PD	PRINTING - GOOD EATS D
CHECK DATE: 07/16/2021											
2106154		06/22/2021		0721-3	245330	530.00	530.00	07/16/2021	INV	PD	PRINTING - SHOP WHERE
CHECK DATE: 07/16/2021											
2106155		06/22/2021		0721-3	245330	488.00	488.00	07/16/2021	INV	PD	PRINTING - FIND FRIDA
CHECK DATE: 07/16/2021											
						2,409.15					
3892 ILCMA											
117937		07/01/2021		0721-3	245331	182.00	182.00	07/08/2021	INV	PD	ILCMA MEMBERSHIP - S.
CHECK DATE: 07/16/2021											
2920		07/12/2021		0721-3	245332	50.00	50.00	07/16/2021	INV	PD	JOB AD POSTING SR. CIV
CHECK DATE: 07/16/2021											
						232.00					
1546 ILLINOIS DEPT. OF AGRICULTURE											
75765		06/28/2021		0721-2	245269	45.00	45.00	07/09/2021	INV	PD	COMMERCIAL PESTICIDE L
CHECK DATE: 07/09/2021											
426 ILLINOIS STATE POLICE											
GEPC2100789		07/06/2021		0721-3	245333	800.00	800.00	07/08/2021	INV	PD	VEHICLE SEIZURE COURT
CHECK DATE: 07/16/2021											
11499 J&K COMMUNICATIONS, INC											
109473		05/07/2021		0721-2	245270	627.77	627.77	07/09/2021	INV	PD	COTTAGE RADIO CABLE RE
CHECK DATE: 07/09/2021											
2760 J.W. TURF, INC.											
40529		06/22/2021		0721-2	245271	15.28	15.28	07/02/2021	INV	PD	WASHERS FOR FWY MOWER

VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
CHECK DATE: 07/09/2021											
12633 JORI MORONI											
23524		06/29/2021		0721-3	245334	975.00	975.00	07/09/2021	INV	PD	RETT #23524 REFUND - 7
CHECK DATE: 07/16/2021											
612 KONICA MINOLTA BUSINESS SOLUTIONS INC											
266190210		05/24/2020		0721-2	245272	575.04	575.04	07/09/2021	INV	PD	ADMIN COPIER
CHECK DATE: 07/09/2021											
446448375		06/21/2021		0721-2	245272	226.00	226.00	07/09/2021	INV	PD	PD COPIER
CHECK DATE: 07/09/2021											
446218943		06/18/2021		0721-2	245272	445.00	445.00	07/09/2021	INV	PD	PW COPIER
CHECK DATE: 07/09/2021											
73019186		07/02/2021		0721-3	245335	203.00	203.00	07/08/2021	INV	PD	COPIER SENIOR CENTER
CHECK DATE: 07/16/2021											
						1,449.04					
10087 KRISTIN SALVADOR DESIGN, INC											
1029		06/25/2021		0721-3	245336	171.00	171.00	07/16/2021	INV	PD	PRINT DESIGN/SOCIAL ME
CHECK DATE: 07/16/2021											
12291 LANDMARK CONTRACTORS, INC											
202038-01A	20200051	10/31/2020		0721-2	245273	2,490.00	2,490.00	07/09/2021	INV	PD	CBD STREETSCAPE MOCKUP
CHECK DATE: 07/09/2021											
6271 LANDSCAPE CONCEPTS MANAGEMENT, INC.											
7704	20210004	07/06/2021		0721-3	245337	7,062.00	7,062.00	07/16/2021	INV	PD	YR 1 FORESTRY WORK CON
CHECK DATE: 07/16/2021											
546 LEN'S ACE HARDWARE, INC.											
100448/3		06/23/2021		0721-2	245274	3.59	3.59	07/09/2021	INV	PD	MISC TOOLS STREETS
CHECK DATE: 07/09/2021											
100422/3		06/22/2021		0721-2	245274	10.79	10.79	07/09/2021	INV	PD	OPERATING SUPPLIES
CHECK DATE: 07/09/2021											
100409/3		06/21/2021		0721-2	245274	7.18	7.18	07/09/2021	INV	PD	PEST CONTROL
CHECK DATE: 07/09/2021											
100387/3		06/18/2021		0721-2	245274	4.13	4.13	07/09/2021	INV	PD	OPERATING SUPPLIES
CHECK DATE: 07/09/2021											
100419		06/22/2021		0721-2	245274	29.17	29.17	07/02/2021	INV	PD	BUILDING KEYS
CHECK DATE: 07/09/2021											
100511		06/29/2021		0721-2	245274	12.57	12.57	07/02/2021	INV	PD	CHAIN LINKS
CHECK DATE: 07/09/2021											
100547/3		07/01/2021		0721-3	245338	148.14	148.14	07/08/2021	INV	PD	OPERATING SUPPLIES
CHECK DATE: 07/16/2021											
100457/3		06/24/2021		0721-3	245338	7.19	7.19	07/08/2021	INV	PD	PW #260 PARTS
CHECK DATE: 07/16/2021											
100543/3		07/01/2021		0721-3	245338	16.17	16.17	07/16/2021	INV	PD	MISC. SUPPLIES STREETS
CHECK DATE: 07/16/2021											

VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
						238.93					
12416 LOS BURRITOS TAPATIOS INC.											
118060	20200063	07/12/2021		0721-3	245339	30,000.00	30,000.00	07/16/2021	INV	PD	RETAIL FACADE IMPROVE
CHECK DATE: 07/16/2021											
12647 JEFF MARIOTTINI											
21.0009		05/31/2021		0721-3	245340	4.00	4.00	07/16/2021	INV	PD	ESCROW 21.0009 REFUND
CHECK DATE: 07/16/2021											
590 MEADE ELECTRIC COMPANY, INC.											
696918		06/28/2021		0721-2	245275	85.10	85.10	07/09/2021	INV	PD	SERVICE CALL FOR TRAFF
CHECK DATE: 07/09/2021											
595 MENARDS, INC.											
70710		07/02/2021		0721-3	245341	58.94	58.94	07/16/2021	INV	PD	SUPPLIES FOR 4TH OF JU
CHECK DATE: 07/16/2021											
70651		07/01/2021		0721-3	245341	32.91	32.91	07/16/2021	INV	PD	MISC. SUPPLIES STREETS
CHECK DATE: 07/16/2021											
						91.85					
596 METRO PARAMEDIC SERVICES, INC.											
21-247632		06/21/2021		0721-3	245342	36,616.67	36,616.67	07/16/2021	INV	PD	PARAMEDICS SERVICE FEE
CHECK DATE: 07/16/2021											
12640 JOSEPH MOLA											
117969		06/21/2021		0721-3	245343	79.98	79.98	07/08/2021	INV	PD	UNIFORM REIMBURSEMENT
CHECK DATE: 07/16/2021											
8205 MUNICIPAL GIS PARTNERS, INC											
5567	20210003	06/30/2021		0721-2	245276	8,674.25	8,674.25	07/09/2021	INV	PD	GIS CONSORTIUM SVC CON
CHECK DATE: 07/09/2021											
1212 MURPHY & MILLER, INC											
SVC00032693		06/24/2021		0721-3	245344	587.50	587.50	07/08/2021	INV	PD	SERVICE CALL
CHECK DATE: 07/16/2021											
651 NORTHERN ILLINOIS GAS COMPANY											
05-47-62-1000 9 0721		06/29/2021		0721-3	245345	74.81	74.81	07/08/2021	INV	PD	05-47-62-1000 9 0721
CHECK DATE: 07/16/2021											
44-87-05-0078 0 0721		07/08/2021		0721-3	245346	162.80	162.80	07/16/2021	INV	PD	44-87-05-0078 0 0721
CHECK DATE: 07/16/2021											
						237.61					
655 NORTHERN ILLINOIS UNIVERSITY											

VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
NIU-9		06/30/2021		0721-3	245347	1,112.00	1,112.00	07/08/2021	INV	PD	REIMBURSEMENT - E. BEB
CHECK DATE: 07/16/2021											
738 RAY O'HERRON CO. INC.											
2124921-IN		06/29/2021		0721-3	245348	535.50	535.50	07/08/2021	INV	PD	UTILITY TSHIRTS 3 PACK
CHECK DATE: 07/16/2021											
2124928-IN		06/29/2021		0721-3	245348	124.00	124.00	07/08/2021	INV	PD	TABOR - 2 PANTS
CHECK DATE: 07/16/2021											
2124924-IN		06/29/2021		0721-3	245348	359.97	359.97	07/08/2021	INV	PD	3 HOLSTERS - GENERAL S
CHECK DATE: 07/16/2021											
2124927-IN		06/29/2021		0721-3	245348	481.94	481.94	07/12/2021	INV	PD	MURRAY UNIFORM STARTUP
CHECK DATE: 07/16/2021											
2125703-CM		07/02/2021		0721-3	245348	-143.99	-143.99	07/02/2021	CRM	PD	MURRAY STARTUP
CHECK DATE: 07/16/2021											
2124923-IN		06/29/2021		0721-3	245348	521.92	521.92	07/02/2021	INV	PD	ACKLIN STARTUP
CHECK DATE: 07/16/2021											
2125702-CM		07/02/2021		0721-3	245348	-143.99	-143.99	07/02/2021	CRM	PD	ACKLIN STARTUP UNIFORM
CHECK DATE: 07/16/2021											
						1,735.35					
1458 OFFICE DEPOT, INC											
175526315001		06/18/2021		0721-2	245277	40.74	40.74	07/09/2021	INV	PD	OFFICE SUPPLIES
CHECK DATE: 07/09/2021											
5101 KIMBERLY OLDIS											
118037		06/07/2021		0721-3	245349	4,000.00	4,000.00	07/16/2021	INV	PD	DEPOSIT FOR 2021 GE CH
CHECK DATE: 07/16/2021											
670 DAVID B COULTER											
21-074		06/30/2021		0721-3	245350	658.76	658.76	07/16/2021	INV	PD	PW TREE PRESERVATION S
CHECK DATE: 07/16/2021											
676 PACKEY WEBB FORD, INC.											
C88763		06/24/2021		0721-3	245351	139.95	139.95	07/08/2021	INV	PD	PW #232 WHEEL ALIGNMEN
CHECK DATE: 07/16/2021											
12635 MELISSA PAUER											
117989		06/23/2021		0721-2	245278	333.18	333.18	07/09/2021	INV	PD	REIMBURSEMENT FOR FRID
CHECK DATE: 07/09/2021											
11416 PROGRESSIVE MECHANICAL INC											
I2435		07/13/2021		0721-3	245352	451.50	451.50	07/16/2021	INV	PD	SERVICE CALL
CHECK DATE: 07/16/2021											
1254 REINDERS, INC.											
4278848-01		06/17/2021		0721-2	245279	270.00	270.00	07/02/2021	INV	PD	UREA FERTILIZER
CHECK DATE: 07/09/2021											

VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
1887133-00		06/23/2021		0721-2	245279	134.95	134.95	07/02/2021	INV	PD	HYDRO FLUID FOR ROUGH
CHECK DATE: 07/09/2021											
						404.95					
223 DIETER H. ROWE & CO											
118061		07/06/2021		0721-3	245353	140.00	140.00	07/16/2021	INV	PD	SERVICE DOOR REWORK
CHECK DATE: 07/16/2021											
765 RUSS'S PLUMBING & SEWER INC											
6597		07/05/2021		0721-3	245354	205.00	205.00	07/08/2021	INV	PD	SERVICE CALL
CHECK DATE: 07/16/2021											
6609		07/09/2021		0721-3	245354	560.00	560.00	07/16/2021	INV	PD	INSTALLATION OF WATER
CHECK DATE: 07/16/2021											
						765.00					
8894 RUSSO HARDWARE, INC											
10768197		06/29/2021		0721-2	245280	1,479.96	1,479.96	07/02/2021	INV	PD	4 NEW STRING TRIMMERS
CHECK DATE: 07/09/2021											
SPI10715960		06/08/2021		0721-3	245355	17.98	17.98	07/16/2021	INV	PD	OPERATING SUPPLIES FOR
CHECK DATE: 07/16/2021											
						1,497.94					
11817 MATTHEW SAITTA											
7-11-2021		07/14/2021		0721-3	245356	50.00	50.00	07/14/2021	INV	PD	SAITTA - SERGEANT EXAM
CHECK DATE: 07/16/2021											
3330 SCHOOL DISTRICT 41											
DEVELOP0721		07/09/2021		0721-3	245357	4,692.00	4,692.00	07/16/2021	INV	PD	DEVELOPER DONATION JUN
CHECK DATE: 07/16/2021											
6942 SMITH BROTHERS TREE SERVICE											
001458	20210030	06/26/2021		0721-3	245358	2,204.00	2,204.00	07/16/2021	INV	PD	PARKWAY RESTORATIONS
CHECK DATE: 07/16/2021											
001459	20210030	06/26/2021		0721-3	245358	3,790.00	3,790.00	07/16/2021	INV	PD	PARKWAY RESTORATIONS
CHECK DATE: 07/16/2021											
						5,994.00					
3571 HARRY C SMITH LTD											
4104		05/12/2021		0721-3	245359	8,404.00	8,404.00	07/02/2021	INV	PD	LEGAL FEES
CHECK DATE: 07/16/2021											
12630 SOURCE NORTH AMERICA CORPORATION											
1989443		06/07/2021		0721-2	245281	112.85	112.85	07/09/2021	INV	PD	DIESEL FILTERS
CHECK DATE: 07/09/2021											
806 STANDARD EQUIPMENT COMPANY											

VILLAGE OF GLEN ELLYN

VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
P29654		06/14/2021		0721-3	245360	295.18	295.18	07/08/2021	INV	PD	INVENTORY - GUTTER BRO
CHECK DATE: 07/16/2021											
W06783		06/16/2021		0721-3	245360	1,447.32	1,447.32	07/08/2021	INV	PD	PW #230 PARTS
CHECK DATE: 07/16/2021											
						1,742.50					
2687 STAPLES CONTRACT & COMMERCIAL, INC.											
3479589111		06/15/2021		0721-3	245361	65.27	65.27	07/08/2021	INV	PD	CLEANING SUPPLIES
CHECK DATE: 07/16/2021											
3479908902		06/19/2021		0721-3	245361	66.38	66.38	07/08/2021	INV	PD	CLEANING SUPPLIES
CHECK DATE: 07/16/2021											
3480424032		06/26/2021		0721-3	245361	265.86	265.86	07/08/2021	INV	PD	OFFICE SUPPLIES
CHECK DATE: 07/16/2021											
3480291726		06/25/2021		0721-3	245361	47.47	47.47	07/16/2021	INV	PD	OFFICE SUPPLIES
CHECK DATE: 07/16/2021											
3480291729		06/25/2021		0721-3	245361	24.28	24.28	07/16/2021	INV	PD	OFFICE SUPPLIES
CHECK DATE: 07/16/2021											
3481022935		07/02/2021		0721-3	245361	90.89	90.89	07/16/2021	INV	PD	CLEANING SUPPLIES
CHECK DATE: 07/16/2021											
3480676189		06/30/2021		0721-3	245361	-66.38	-66.38	07/16/2021	CRM	PD	OPERATING SUPPLIES CRE
CHECK DATE: 07/16/2021											
						493.77					
1210 STATE OF ILLINOIS/FIRE MARSHAL											
9644350		04/19/2021		0721-3	245362	210.00	210.00	07/16/2021	INV	PD	BOILER AND PRESSURE VE
CHECK DATE: 07/16/2021											
7787 STENSTROM PETROLEUM SERVICES GROUP											
S165210		06/24/2021		0721-3	245363	245.00	245.00	07/08/2021	INV	PD	FUEL ISLAND - FILTERS
CHECK DATE: 07/16/2021											
12643 MARCUS SUAREZ											
118054		07/05/2021		0721-3	245364	159.95	159.95	07/16/2021	INV	PD	UNIFORM REIMBURSEMENT
CHECK DATE: 07/16/2021											
827 SUBURBAN DRIVE LINE, INC.											
63086		06/25/2021		0721-3	245365	40.00	40.00	07/08/2021	INV	PD	IDOT SAFETY LANE INSPE
CHECK DATE: 07/16/2021											
63092		06/28/2021		0721-3	245365	40.00	40.00	07/08/2021	INV	PD	IDOT SAFETY LANE INSPE
CHECK DATE: 07/16/2021											
63084		06/25/2021		0721-3	245365	40.00	40.00	07/08/2021	INV	PD	IDOT SAFETY LANE INSPE
CHECK DATE: 07/16/2021											
63085		06/25/2021		0721-3	245365	59.50	59.50	07/08/2021	INV	PD	IDOT SAFETY LANE INSPE
CHECK DATE: 07/16/2021											
63093		06/28/2021		0721-3	245365	40.00	40.00	07/08/2021	INV	PD	IDOT SAFETY LANE INSPE
CHECK DATE: 07/16/2021											
63102		06/29/2021		0721-3	245365	40.00	40.00	07/08/2021	INV	PD	IDOT SAFETY LANE INSPE
CHECK DATE: 07/16/2021											

VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
						259.50					
5018 SUBURBAN LABORATORIES, INC.											
190685		06/30/2021		0721-3	245366	722.50	722.50	07/08/2021	INV	PD	PROFESSIONAL SERVICES
CHECK DATE: 07/16/2021											
12152 KATY SULLIVAN											
111539		10/23/2020		0721-3	245367	8.12	8.12	10/30/2020	INV	PD	FOOD RESALE REIMBURSEM
CHECK DATE: 07/16/2021											
11226 SUN DATA SUPPLY, INC											
INV0198763		06/22/2021		0721-3	245368	64.35	64.35	07/09/2021	INV	PD	CD TONER FOR PLANNING
CHECK DATE: 07/16/2021											
9554 KDRE, INC											
207		06/29/2021		0721-2	245282	462.50	462.50	07/09/2021	INV	PD	SLUSH FOR LUNCH IN THE
CHECK DATE: 07/09/2021											
10104 SUPREME LOBSTER CO											
7133438		07/03/2021		0721-3	245369	163.38	163.38	07/03/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/16/2021											
7134040		07/06/2021		0721-3	245369	205.98	205.98	07/06/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/16/2021											
7136121		07/08/2021		0721-3	245369	380.29	380.29	07/08/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/16/2021											
						749.65					
5758 SWAHM											
SWAHM-151		07/01/2021		0721-2	27947	226,285.17	226,285.17	07/08/2021	DIR	PD	SWAHM INSURANCE PAYMEN
CHECK DATE: 07/01/2021											
853 TERMINAL SUPPLY CO, INC											
55363-00		06/29/2021		0721-3	245370	29.78	29.78	07/08/2021	INV	PD	INVENTORY - SWITCH
CHECK DATE: 07/16/2021											
55 ANTHONY R. TERRANOVA											
117914		03/01/2021		0721-2	245283	600.00	600.00	07/09/2021	INV	PD	TUITION REIMBURSEMENT
CHECK DATE: 07/09/2021											
11412 TESTING FOR PUBLIC SAFETY, LLC											
LIN2021.17		06/29/2021		0721-3	245371	8,600.00	8,600.00	07/08/2021	INV	PD	PROFESSIONAL SERVICES
CHECK DATE: 07/16/2021											
12262 THELEN MATERIALS											
400733		06/26/2021		0721-2	245284	1,379.33	1,379.33	07/02/2021	INV	PD	2 LOADS OF BUNKER SAND

VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
CHECK DATE: 07/09/2021											
1242 THIRD MILLENNIUM ASSOCIATES, INC											
26417		06/23/2021		0721-3	245372	1,841.35	1,841.35	07/09/2021	INV	PD	VEHICLE STICKER PURCHA
CHECK DATE: 07/16/2021											
658 PATSON, INC											
3334952		06/25/2021		0721-3	245373	145.94	145.94	07/08/2021	INV	PD	PW #250 A/C HOSE
CHECK DATE: 07/16/2021											
10019 TRANSUNION RISK AND ALTERNATIVE DATA SOLUTIONS INC											
258788-202106-1		07/01/2021		0721-2	245285	174.00	174.00	07/07/2021	INV	PD	JUNE MONTHLY SERVICES
CHECK DATE: 07/09/2021											
12645 SARA TRYBUS											
23931		07/12/2021		0721-3	245374	2,355.00	2,355.00	07/16/2021	INV	PD	RETT #23931 REFUND - 3
CHECK DATE: 07/16/2021											
9216 ULINE, INC											
135638782		07/01/2021		0721-3	245375	86.12	86.12	07/14/2021	INV	PD	OPERATING SUPPLIES
CHECK DATE: 07/16/2021											
11819 UNIFIRST CORPORATION											
0611375398		06/04/2021		0721-3	245376	45.00	45.00	07/08/2021	INV	PD	MAT & TOWEL SERVICE
CHECK DATE: 07/16/2021											
0611377023		06/11/2021		0721-3	245376	45.00	45.00	07/08/2021	INV	PD	MAT & TOWEL SERVICE
CHECK DATE: 07/16/2021											
0611378624		06/18/2021		0721-3	245376	45.00	45.00	07/08/2021	INV	PD	MAT & TOWEL SERVICE
CHECK DATE: 07/16/2021											
0611380215		06/25/2021		0721-3	245376	45.00	45.00	07/08/2021	INV	PD	MAT & TOWEL SERVICE
CHECK DATE: 07/16/2021											
						180.00					
884 U.S. FOODSERVICE, INC.											
0532578		06/21/2021		0721-2	245286	415.82	415.82	06/26/2021	INV	PD	FOOD - RESALE, NA BEV.
CHECK DATE: 07/09/2021											
706147		06/25/2021		0721-2	245286	162.88	162.88	06/26/2021	INV	PD	NA BEV.
CHECK DATE: 07/09/2021											
706146		06/25/2021		0721-2	245286	137.13	137.13	06/26/2021	INV	PD	FOOD- RESALE
CHECK DATE: 07/09/2021											
683348		06/25/2021		0721-2	245286	51.66	51.66	06/26/2021	INV	PD	SUPPLIES
CHECK DATE: 07/09/2021											
715570		06/26/2021		0721-2	245286	187.12	187.12	06/28/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/09/2021											
8811971		07/01/2021		0721-2	245286	152.01	152.01	07/01/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/09/2021											
833606		06/30/2021		0721-2	245286	1,614.25	1,614.25	07/01/2021	INV	PD	FOOD - RESALE, NA BEV.
CHECK DATE: 07/09/2021											

VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
743486		06/28/2021		0721-2	245286	2,242.99	2,242.99	06/28/2021	INV	PD	FOOD - RESALE, SUPPLIE
CHECK DATE: 07/09/2021											
1094439		07/08/2021		0721-3	245377	74.76	74.76	07/08/2021	INV	PD	SUPPLIES
CHECK DATE: 07/16/2021											
1094440		07/08/2021		0721-3	245377	24.92	24.92	07/08/2021	INV	PD	SUPPLIES
CHECK DATE: 07/16/2021											
1140653		07/09/2021		0721-3	245377	47.93	47.93	07/09/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/16/2021											
1140247		07/09/2021		0721-3	245377	213.32	213.32	07/09/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/16/2021											
1140413		07/09/2021		0721-3	245377	80.84	80.84	07/09/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/16/2021											
1119908		07/09/2021		0721-3	245377	4,495.51	4,495.51	07/09/2021	INV	PD	FOOD - RESALE, NA BEV.
CHECK DATE: 07/16/2021											
944425		07/03/2021		0721-3	245377	39.69	39.69	07/10/2021	INV	PD	SUPPLIES
CHECK DATE: 07/16/2021											
2986193		07/06/2021		0721-3	245377	-787.29	-787.29	07/06/2021	CRM	PD	FOOD - RESALE
CHECK DATE: 07/16/2021											
2986194		07/06/2021		0721-3	245377	-1,204.17	-1,204.17	07/06/2021	CRM	PD	FOOD - RESALE
CHECK DATE: 07/16/2021											
959206		07/05/2021		0721-3	245377	3,345.69	3,345.69	07/06/2021	INV	PD	FOOD - RESALE, NA BEV.
CHECK DATE: 07/16/2021											
1054432		07/07/2021		0721-3	245377	673.20	673.20	07/07/2021	INV	PD	FOOD - RESALE
CHECK DATE: 07/16/2021											
683349		06/25/2021		0721-3	245377	5,985.98	5,985.98	06/26/2021	INV	PD	FOOD - RESALE, NA BEV.
CHECK DATE: 07/16/2021											
1039997		07/07/2021		0721-3	245377	1,691.81	1,691.81	07/07/2021	INV	PD	FOOD - RESALE, SUPPLIE
CHECK DATE: 07/16/2021											
991665		07/02/2021		0721-3	245377	4,010.44	4,010.44	07/10/2021	INV	PD	FOOD - RESALE, NA BEV.
CHECK DATE: 07/16/2021											
						23,656.49					
1190 HD SUPPLY FACILITIES MAINT LTD.											
640020		06/21/2021		0721-3	245378	174.39	174.39	07/16/2021	INV	PD	REPLACEMENT VALVES FOR
CHECK DATE: 07/16/2021											
915 VERIZON WIRELESS SERVICES LLC											
9881023848		06/01/2021		0721-3	245379	1,216.98	1,216.98	07/16/2021	INV	PD	TELECOMMUNICATION MAY0
CHECK DATE: 07/16/2021											
9882602406		06/23/2021		0721-3	245380	72.02	72.02	07/14/2021	INV	PD	WIRELESS SERVICES
CHECK DATE: 07/16/2021											
						1,289.00					
3995 WAREHOUSE DIRECT OFFICE PRODUCTS											
4989434-0		06/25/2021		0721-2	245287	70.82	70.82	07/09/2021	INV	PD	OFFICE SUPPLIES
CHECK DATE: 07/09/2021											
12637 JAMES & VIRGINA WEISKOPF											
20202740		07/01/2021		0721-3	245381	1,000.00	1,000.00	07/09/2021	INV	PD	RESTOR. DEP. 244 CUMNO
CHECK DATE: 07/16/2021											

VILLAGE OF GLEN ELLYN

VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
946 WEST CENTRAL MUNICIPAL CONFERENCE											
0007107-IN	20210002	06/22/2021		0721-2	245288	9,606.00	9,606.00	07/09/2021	INV	PD	2021 ANNUAL TREE PLANT
CHECK DATE: 07/09/2021											
6366 TLP VETERINARY SERVICES											
454301		07/07/2021		0721-3	245382	91.75	91.75	07/08/2021	INV	PD	FOOD AND MEDICINE FOR
CHECK DATE: 07/16/2021											
12634 HUNTER WILLIAMS											
117881		07/01/2021		0721-2	245289	2,295.00	2,295.00	07/09/2021	INV	PD	SEWER LINE REPAIR/VILL
CHECK DATE: 07/09/2021											
7060 JOHN ALBERT GARZA											
11131		07/07/2021		0721-2	245290	420.25	420.25	07/07/2021	INV	PD	SILICONE BRACELETS - N
CHECK DATE: 07/09/2021											
11129		07/01/2021		0721-2	245290	460.76	460.76	07/07/2021	INV	PD	OFFICER SMILEZ PEN
CHECK DATE: 07/09/2021											
11130		07/01/2021		0721-2	245290	786.50	786.50	07/07/2021	INV	PD	STAR STRESS RELIEVERS
CHECK DATE: 07/09/2021											
11132		07/01/2021		0721-2	245290	347.76	347.76	07/07/2021	INV	PD	POLICE POSTER BOARD CA
CHECK DATE: 07/09/2021											
		254 INVOICES				630,093.61					

** END OF REPORT - Generated by Colette Ameche **

Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting 7/26/2021 7:00 PM
Department: System Administrator
Department Head:
Category: Appointment
Prepared By:

AGENDA ITEM (ID # 2021-1304)

DOC ID: 2021-1304

Approve the Recommendation of Village President Mark Senak that the following Appointments be made for Various Boards and Commissions:

Community Relations Commission: Sania Irwin, Chair, with a Term Ending July 31, 2022
Plan Commission: Jim Ozog, Commissioner, with a Term Ending July 31, 2024

Statement of the Issue:

Analysis:

Budget Impact:

Action Requested:

Attachments:

Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting 7/26/2021 7:00 PM
Department: System Administrator
Department Head:
Category: Ordinance
Prepared By:

AGENDA ITEM (ID # 2021-1283)

DOC ID: 2021-1283

Ordinance No. 6885-VC, An Ordinance to Amend the Liquor License Control Code Chapter 19 of Title 3, Section 11 (Class D-5) and Amend the Liquor License Control Code Chapter 19 of Title 3, Section 12 (Restriction on Number of Licenses) to Increase the Number of Permitted Class D-5 Liquor Licenses (Village Attorney Mathews)

Statement of the Issue:
The Village received a liquor license request from Oak and Steel, located at 480 N. Main Street, to expand their liquor license to include the sale of beer, wine or spirits in its original package to their customers. Oak and Steel indicated in their request that this additional license would allow their clients the ability to purchase beer, wine or spirits to be consumed off-site. Oak and Steel indicated they are in no means a liquor store; however, would like to offer this service as a courtesy to their clients.

Currently, Oak and Steel holds a Class M liquor license, which is outlined below:

Class M: Class M license shall authorize the retail sale of alcoholic liquor, for consumption on the specified premises, as an adjunct to a principal beauty shop business. The issuance of a Class M license shall be expressly subject to the following conditions:

1.The retail sale of alcoholic liquor shall be limited to one drink per hour per customer or patron of the premises, and no such customer or patron shall be served more than two alcoholic beverages during the permitted hours of retail sale of alcoholic liquor during any one calendar day.

2.No live entertainment of any nature shall be permitted on the specified premises.

3.No window or any other signage visible from the outside of the business shall be permitted on the specified premises or surrounding property that indicates that alcoholic liquor is available for retail sale at the specified premises, provided, however, that the business identification signage

may contain the word "bar", and provided further that the word "bar" is only used as part of the business name.

4.No person holding a Class M license issued pursuant to this chapter shall sell or permit to be sold, offered for sale, given away, or delivered any alcoholic liquor except between the hours of 10:00 a.m. and 9:00 p.m.

Analysis:
Village staff and the Village President/Liquor Control Commissioner reviewed the request submitted from Oak and Steel. After reviewing the request and the Village's current liquor license classes, it was determined it would be best to update Chapter 19 of Title 3, Section 11 (Class D-5) to include Class M as a permitted applicant for this license.

Cosmo's Beauty Bar previously had a Class M liquor license as well as a Class D-1 license, which authorized the retail sale, on the specified premises, of beer, ale or wine in its original package, but not for consumption on the premises where sold, as an adjunct to another principal retail business and where no more than ten square feet is devoted to the display and sale of alcoholic liquor. Village staff is recommending the D-5 license for Oak and Steel as it includes the sale of spirits, which seems to be the client's interest.

The current Class D-5 license is outlined below:

Class D-5 authorizes the retail sale, on specified premises, of beer, wine or spirits in its original package, but for not consumption on the premises where sold, as an adjunct to another principal retail business, where no more than ten feet is devoted to the display and sale of alcoholic liquor and where no more than 15 percent of yearly sales will be from the packaged products provided that application must hold a Class A or Class B License and be in good standing. Applicants seeking a Class D-5 license shall submit a written request for the license to the Liquor Commissioner. The Liquor Commissioner may request additional information as deemed necessary.

Budget Impact:
N/A

Action Requested:
Approve An Ordinance to Amend the Liquor License Control Code Chapter 19 of Title 3, Section 11 (Class D-5) and Amend the Liquor License Control Code Chapter 19 of Title 3, Section 12 (Restriction on Number of Licenses) to Increase the Number of Permitted Class D-5 Liquor Licenses

Attachments:

1. Liquor License Ordinance Update D5

Village of Glen Ellyn

Ordinance No. XXXX-VC

An Ordinance to Amend the Liquor License Control Code Chapter 19 of Title 3, Section 11 (Class D-5) and Amend the Liquor License Control Code Chapter 19 of Title 3, Section 12 (Restriction on Number of Licenses) to Increase the Number of Permitted Class D-5 Liquor Licenses

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Adopted by the
President and the Board of Trustees
Of the Village of Glen Ellyn
DuPage County, Illinois
This _____ Day of _____, 20__.

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

PREPARED BY AND MAIL TO:
VILLAGE OF GLEN ELLYN
ATTN: VILLAGE CLERK
535 DUANE STREET
GLEN ELLYN, IL 60137

Ordinance No. XXXX-VC

An Ordinance to Amend the Liquor License Control Code Chapter 19 of Title 3, Section 11 (Class D-5) and Amend the Liquor License Control Code Chapter 19 of Title 3, Section 12 (Restriction on Number of Licenses) to Increase the Number of Permitted Class D-5 Liquor Licenses

Whereas, the Village of Glen Ellyn is an Illinois home rule municipal corporation; and

Whereas, the Village, pursuant to the Illinois Liquor Control Act, 235 ILCS 5/1-1 et seq., and its home rule powers, has established various classes of liquor licenses for the retail sale of alcoholic liquor in the Village and the number of permitted licenses within each class, as set forth in Chapter 19 of Title 3 (Liquor Control Code) of the Village Code of the Village of Glen Ellyn; and

Whereas, the President and Board of Trustees of the Village of Glen Ellyn deem it to be in the best interest of the Village to periodically review and update the liquor control ordinance of the Village as well as to, when appropriate, change the number of permitted liquor licenses in various classifications; and

Whereas, the President and Board of Trustees have determined that it is in the best interest of the Village to amend Liquor License Control Code Chapter 19 of Title 3, Section 11 (D-5) to allow a Class M License holder the authority to request a D-5 license; and

Whereas, the President and Board of Trustees have determined that it is in the best interest of the Village to increase by one (1) the number of permitted Class D-5 Liquor Licenses; and

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

Section One: The findings of fact and conclusions set forth hereinabove are hereby adopted by the President and Board of Trustees as the findings of fact and conclusion of the corporate authorities of the Village of Glen Ellyn.

Section Two: Chapter 19 of Title 3, Section 11 of the Glen Ellyn Village code (Liquor Control Code) is hereby amended as follows:

3-19-11. - Classification of licenses.

[. . .]

(D-5) Authorizes the retail sale, on specified premises, of beer, wine or spirits in its original package, but for not consumption on the premises where sold, as an adjunct to another principal retail business, where no more than ten feet is devoted to the display and sale of alcoholic liquor and where no more than 15 percent of yearly sales will be from the packaged products provided that applicant must hold a Class A, Class B or Class M License and be in good standing. Applicants seeking a Class D-5 license shall submit a written request for the license to the Liquor Commissioner. The Liquor Commissioner may request additional information as deemed necessary.

Section Three: Chapter 19 of Title 3, Section 12 of the Glen Ellyn Village code (Liquor Control Code) is hereby amended as follows:

3-19-12. - Restriction on number of licenses.

The Local Liquor Control Commissioner shall not issue more than the number of licenses set forth hereinbelow for each class:

[. . .]

Class D-5 - No more than 2

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

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

Ayes

Nays

Absent

Approved by the Village President of the Village of Glen Ellyn, Illinois this _____ day of _____.

_____

Village President

Attest:

_____

Village Clerk

AFFIX VILLAGE SEAL

(Published in pamphlet form and posted on the _____ day of _____, 20____.)

Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting 7/26/2021 7:00 PM
Department: Finance
Department Head:
Category: Ordinance
Prepared By:

AGENDA ITEM (ID # 2021-1278)

DOC ID: 2021-1278

Ordinance No. 6886 - VC, An Ordinance Amending Chapter Six of Title Seven (Solid Waste Collection and Disposal) of the Village Code, to Update the Refuse Fee Structure (Assistant Manager Rodman)

Statement of the Issue:
Each year, the refuse contract increases the Village's rates in August. The current contract increases rates by CPI, with a minimum increase of 3% and a maximum increase of 5%. This year's base rates will increase by 3% in accordance with the contract. Staff has reviewed the supplemental rates as discussed in the memo below and is proposing no increase to the supplemental rate. Overall, the rates proposed in this memo equate to an additional annual cost to the residents of $3.94 to $10.08, depending on the type of service the resident selects. Attached to this agenda item is a table which outlines the rates that will be effective on the August 1, 2021, Village services bill.

Analysis:

Background:
In 2017, the Village Board approved a five year refuse contract with Republic Services. Subsequent to the Board's approval of the contract, Republic Services sold the Village's contract to Groot, Inc., who is now the Village's refuse provider. The current contract terminates in 2022 and includes annual rate increases effective in August of each year. Therefore, this requires the Village Board to pass an ordinance each year to update the refuse rates.

Issues:
Annual Base Rate Adjustment - Refuse and Composting
The Village's contract includes an annual adjustment by a minimum of three percent (3%) based upon the percentage change of the published CPI-U for the Chicago-Gary-Kenosha area during the preceding calendar year. The total annual adjustment shall never go higher than five percent (5%). The change in CPI-U at the end of 2020 was 1.1%. Therefore, the base rate will be adjusted by 3%, the minimum stated in the contract. Sticker prices will also increase by 3% as

outlined in the contract.

Ancillary Charges

The contract with Groot also sets the rate for ancillary refuse charges. These rates are listed below. The cart change-out fee will change from $19.67 per occurrence to $20.26 per occurrence. The cart change out fee is waived by the Village for new residents or to replace a damaged cart, although the Village is still charged by Groot for these cart change outs.

Branch and Brush Rate – Unchanged from 2020

The Village is in its last year of a three year branch and brush contract. There is no change to the branch and brush rate from 2020 to 2021. The annual cost of this contract is $129,000. This winter, the Village will need to bid out the branch and brush contract.

Clean Sweep – Unchanged from 2020

The first clean sweep of the contract was paid for by the last two rate cycles. This year, we need to set the rate for the next clean sweep which will occur in Spring 2022. The prior clean sweep cost the Village $73,829 and was paid for by a $0.48 per month charge the first twelve months and was reduced to $0.35 per customer per month once the actual cost of the clean sweep was known. Using an estimated cost of $75,000, the rate in 2019 and 2020 was set at $0.42 per account per month. The cost of the clean sweep in 2020 was $103,000, likely due to time during the pandemic spent time cleaning, reorganizing, and updating homes, leading to an increased amount of trash for the clean sweep. However, given the cash reserve levels in the fund, staff is recommending to keep the rate at the current level.

Toter Replacement – Unchanged from 2020

Two years ago, the Village reduced the toter rate from $0.75 per month per account to $0.25 per month per account. This was based on average yearly purchases of $10,000. In 2019, due to rising costs in toter replacement, the monthly rate was raised to $0.30. 2019 and 2020 toter replacements continue to be high ($16,055 for 2019, $19,306 for 2020, and $29,440 through June 2021). Therefore, staff continues to recommend the $0.30 monthly charge.

Reserves Rate (Storm Clean Up) - No rate proposed - Unchanged from 2020

In 2013, the Village incurred $179,000 of clean up expenses in the Solid Waste Fund due to a severe storm in early July. This greatly reduced the reserve balances in the Solid Waste Fund and thus a reserve rate was added of $0.75 per account per month in August 2013. The Village has been replenishing the reserves since 2013. Finally, in January 2017, the Solid Waste Fund reached a reserve level above the minimum level of 25% of operating expenses. In 2017, the Village Board reduced the reserve rate to $0. In 2018, the Solid Waste Fund did incur storm clean up costs of $28,000 associated with the 2018 ice storm. In 2020, additional costs were also incurred due to the August 2020 storm. However, given that the fund has cash reserve levels above the reserve policy, we are not recommending an increase to this rate at this point in time.

Administration Fee - Unchanged from 2020

Staff is not proposing an increase to the administration fee this year. However, it is likely an increase will be needed at some point in the future if costs for banking (credit cards, banking services), postage, or bill printing increase. Our current administrative cost fluctuates between $1.28 and $1.40 per account per month. The administrative cost for fiscal year 2019 was $1.40 per account per month and 2020 was $1.37 per month.

Recycling Rebate – Unchanged from 2020
As part of the initial contract, the Village introduced a monthly credit to each residential refuse account based on recycling revenues received by the Village in the previous fiscal year, with the credit adjusted on an annual basis. In fiscal year 2016, the Village did not receive any recycling rebates from Republic. Therefore, the rebate rates in 2017-2018 was zero. Interestingly, there were rebates received in 2017 which amounted to $6,512.31, which resulted in discount of $0.07 per account per month. Unfortunately, in the last three years, there were no recycling rebates received, and therefore there is no credit for last year or the current year.

Cash Reserve Levels
Based upon staff projections, the fund will remain above the cash reserve policy levels for the remainder of the contract. At the end of the contract, the fund is anticipated to have $102,000 above policy levels. This would essentially pay for all or a majority of one storm event, based upon the storms noted above.

Groot Contract
This is the Village's last year under contract with Groot. Staff is evaluating if an extension of the current contract is advantageous or if the Village should conduct another RFP. Staff anticipates a discussion with the Village Board on one of these options in the Fall.

Budget Impact:
The rate increases are planned into the annual budget. This agenda item aligns with the 2021 budget.

Action Requested:
Staff recommends that the Board adopt the adjusted refuse/recycling rate schedule on the Village's service bill for August 1, 2021 through July 31, 2022.

Attachments:

1. 2021-2022 Refuse Rates Table
2. Ordinance Refuse Rates 2021-2022

Monthly Rates - Effective on the August 1, 2021, Village Services Bill

Service: Curbside or Rear Door	Monthly Rates	Monthly Supplemental Rates							Total Monthly Rate 2021	Total Monthly Rate 2020	Additional Monthly Cost	Additional Annual Cost
	2021	Branch / Brush	Reserves (storm)	Toter	Admin.	Clean Sweep	Recycl. Credit	Subtotal				
35 gallon curb	$12.82	$ 1.44	$ -	$ 0.30	$ 1.25	$ 0.42	$ -	$ 3.41	$16.23	$15.86	$0.37	$4.44
65 gallon curb	$16.95	$ 1.44	$ -	$ 0.30	$ 1.25	$ 0.42	$ -	$ 3.41	$20.36	$19.87	$0.49	$5.88
95 gallon curb	$19.36	$ 1.44	$ -	$ 0.30	$ 1.25	$ 0.42	$ -	$ 3.41	$22.77	$22.21	$0.56	$6.72
35 gallon curb senior	$11.54	$ 1.44	$ -	$ 0.30	$ 1.25	$ 0.42	$ -	$ 3.41	$14.95	$14.62	$0.33	$3.94
35 gallon rear	$21.76	$ 1.44	$ -	$ 0.30	$ 1.25	$ 0.42	$ -	$ 3.41	$25.17	$24.54	$0.63	$7.56
35 gallon rear senior	$19.58	$ 1.44	$ -	$ 0.30	$ 1.25	$ 0.42	$ -	$ 3.41	$22.99	$22.43	$0.56	$6.77
65 gallon rear	$28.86	$ 1.44	$ -	$ 0.30	$ 1.25	$ 0.42	$ -	$ 3.41	$32.27	$31.43	$0.84	$10.08
95 gallon rear	$28.86	$ 1.44	$ -	$ 0.30	$ 1.25	$ 0.42	$ -	$ 3.41	$32.27	$31.43	$0.84	$10.08
35 gal. compost	$11.88	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$11.88	$11.53	$0.35	$4.20
65 gal. compost	$13.81	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$13.81	$13.41	$0.40	$4.80
95 gal. compost	$17.19	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$17.19	$16.69	$0.50	$6.00

Ancillary Rates - August 1, 2021	
Solid Waste Sticker	$2.82
Yard Waste Sticker	$2.82
Leaf Sticker	$1.70
Cart Exchange	$20.26

Village of Glen Ellyn

Ordinance No. _____-VC

An Ordinance Amending Chapter Six of Title Seven (Solid Waste Collection and Disposal) of the Village Code of Glen Ellyn, Illinois

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Adopted by the
President and the Board of Trustees
Of the Village of Glen Ellyn
DuPage County, Illinois
This _____ Day of _____, 20__.

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

PREPARED BY AND MAIL TO:
VILLAGE OF GLEN ELLYN
ATTN: VILLAGE CLERK
535 DUANE STREET
GLEN ELLYN, IL 60137

Ordinance No. ____-VC

An Ordinance Amending Chapter Six of Title Seven (Solid Waste Collection and Disposal) of the Village Code of Glen Ellyn, Illinois

WHEREAS, the President and Board of Trustees of the Village of Glen Ellyn have deemed it in the best interest of the Village to request proposals for solid waste collection and disposal services from time-to-time; and,

WHEREAS, the President and Board of Trustees on June 26, 2017, approved an agreement for solid waste collection and disposal services which includes terms and provisions different from those presently included in the Village Code.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS, in exercise of its home rule powers, as follows:

SECTION ONE: Section 7-6-3(F) of the Glen Ellyn Village Code is hereby deleted in its entirety and replaced with the following:

(F) Special Haul Service For The Village: The contractor, as provided for in subsection (C) of this section, will furnish refuse trucks and drivers for special ("natural disaster") cleanup activities on the following basis:

8/1/2021 through 7/31/2022 for $196.97/hr/2 men/1 truck

SECTION TWO: Section 7-6-4(A) of the Glen Ellyn Village Code is hereby deleted in its entirety and replaced with the following:

(A) Residential Collections: Effective on the August 1, 2021 Village Services Bill, the fees to be charged for residential solid waste collection and disposal services shall be as follows:

Monthly Refuse Collection Program	Monthly Base Rate

Curbside collection of one Village provided 35-gallon wheeled cart	$12.82
Curbside collection of one Village provided 65-gallon wheeled cart	$16.95
Curbside collection of one Village provided 95-gallon wheeled cart	$19.36
Senior rate for curbside collection of one Village provided 35-gallon wheeled cart	$11.54
Rear door collection of one Village provided 35-gallon wheeled cart	$21.76
Rear door collection of one Village provided 65-gallon wheeled cart	$28.86
Rear door collection of one Village provided 95-gallon wheeled cart	$28.86
Senior rate for rear door collection of one Village provided 35-gallon wheeled cart	$19.58
Curbside compost collection of one Village provided 35 gallon wheeled cart	$11.88
Curbside compost collection of one Village provided 65 gallon wheeled cart	$13.81
Curbside Compost collection of one Village provided 95 gallon wheeled cart	$17.19
Monthly Supplemental Rate: In addition to the base rate, each account will also be charged a monthly fee for branch and brush collection, biannual clean sweep, toter replacement, account/billing administration, and any applicable recycling credit.	$3.41

Other Prices

Refuse Sticker	$2.82
Yard waste	$2.82
Leaf Sticker	$1.70
Large household items (non-electronics)	Two (2) Refuse Stickers
TV and monitors up to 25”	Ten (10) Refuse Stickers
TV monitors greater than 25”	Sixteen (16) Refuse Stickers
Bundles of electronic waste	Six (6) Refuse Stickers
Single small electronic waste item	Two (2) Refuse Stickers
Cart exchange (per occurrence)	$20.26

SECTION THREE: This Ordinance shall be in full force and effect from and after its

passage, approval, and publication in pamphlet form as provided by law.

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

Ayes		Mark Senak		Steve Thompson		Gary Fasules
		Anne Gould		Kelley Kalinich		Bill Payne
		Kelli Christiansen				
Nays		Mark Senak		Steve Thompson		Gary Fasules
		Anne Gould		Kelley Kalinich		Bill Payne
		Kelli Christiansen				
Absent		Mark Senak		Steve Thompson		Gary Fasules
		Anne Gould		Kelley Kalinich		Bill Payne
		Kelli Christiansen				

Approved by the Village President of the Village of Glen Ellyn, Illinois this _____ day of _____.

_____

Village President

Attest:

_____

Village Clerk

AFFIX VILLAGE SEAL

(Published in pamphlet form and posted on the _____ day of _____, 20____.)

Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting 7/26/2021 7:00 PM
Department: Community Development
Department Head: Staci Springer
Category: Ordinance
Prepared By: Josh Hankins

AGENDA ITEM (ID # 2021-563)

DOC ID: 2021-563

Ordinance No. 6887, An Ordinance Approving a Variation from the Supplemental Regulations to Allow Accessory Structures to Remain on a Lot without a Principal Structure on the Property Located at 551 Geneva Road (Community Development Director Springer)

Statement of the Issue:
See attached Memo.

Analysis:

Budget Impact:

Action Requested:

Attachments:

1. 551 Geneva Memo
2. Draft ORD Geneva
3. Exhibit A-Draft Minutes of the June 22, 2021 ZBA Meeting
4. Aerial Photo
5. Zoning Map
6. Petitioner's Application Packet

MEMORANDUM

TO: Mark Franz, Village Manager

FROM: Staci Springer, AICP, Director of Community Development
Kelly Purvis, AICP, Planning Manager
Josh Hankins, Planning Intern

DATE: July 13, 2021

RE: *July 26, 2021, Village Board Meeting*
Zoning Variation to allow accessory structures to remain on a lot without a principal structure at551 Geneva Road

Background

The Glen Ellyn Historical Society (GEHS), owner of the property located at 551 Geneva, is represented by Suzanne Carty, President of the Historical Society's Board of Directors. The GEHS is requesting the approval of one variation from the Glen Ellyn Zoning Code to allow two accessory structures (a garage and a shed) and a driveway to remain on the property after they demolish the principal structure on the lot.

The subject property and the properties to the immediate west and south are zoned R2-Residential District and improved with single-family homes. The lot to the immediate east is zoned C2-Community Commercial District and is the location of Stacy's Tavern, which is owned by the Village. Stacy Park, zoned CR-Conservation Recreation District is to the north of the property. Notice of the public hearing was published in the Daily Herald on June 7, 2021. The Zoning Board of Appeals conducted a public hearing on the requested variation on June 22, 2021.

The GEHS received the subject property located at 551 Geneva Road in 2014 as a gift to the organization. The original plan was for this property to be incorporated into the Museum Campus with a "period barn" or other structure to showcase Glen Ellyn's agricultural heritage and provide storage for the museum. However, the petitioner has indicated that private donations fund the GEHS and they do not have the means to develop the property at this time.

The principal structure was used as the home of the Society's Executive Director until 2018, when the house was found to have mold and structural issues, deeming the house uninhabitable. The petitioner has indicated that the cost of remediating the mold and fixing the underlying structural problems are exorbitantly high, prompting the Glen Ellyn Historical Society to demolish the principal structure on the property. However, they would like to continue to benefit from the property by using the existing garage and shed to store items that may be heavy or that need to be easily accessible for their staff.

Public Hearing Summary

The ZBA reviewed the existing conditions of the property and considered testimony from the petitioner. The ZBA members found that this property's unique location, next to Stacy's Tavern Museum Campus, along with the home being in a non-usable condition and being owned by the GEHS, warranted the request from the petitioner to allow the accessory structures to remain in place. They also noted that allowing the use of the accessory structures while the lot is owned by the GEHS would prevent them from having to pay for costly storage of their artifacts off-site, allowing a reasonable use of the land. There were no members of the public at the meeting to speak in favor or against the request, however letters of support from adjacent neighbors were submitted as part of the petitioner's application packet.

Recommendation

At the public hearing on June 22, 2021, the ZBA voted on a motion to recommend approval of the requested variation, which carried by a vote of five (5) "yes" votes and one (1) "no" vote. The ZBA added the following conditions of approval to their recommendation:

1. That the project be completed in substantial conformance with the plans as submitted and the testimony presented at the June 22, 2021 public hearing of the Zoning Board of Appeals; and
2. That if the property is sold or transferred at a future date, the accessory structures would need to be removed from the property or brought into compliance with the Zoning Code**.**

Staff has prepared an ordinance in accordance with this recommendation to approve the variation with the above noted conditions.

Action Requested

The Village Board should consider the petitioner's request, the recommendation offered by the Zoning Board of Appeals, and any further evidence or testimony presented at the Village Board Meeting and grant, deny or amend the requested variation.

Attachments

- Draft Ordinance
- Exhibit "A" – Draft Minutes of June 22, 2021, ZBA meeting
- Aerial Photo
- Zoning Map
- Petitioner's Application Packet

CC: Paula Moritz, Plan Reviewer
Suzanne Carty, Petitioner

Village of Glen Ellyn

Ordinance No. _____

An Ordinance Approving a Variation from the Supplemental Regulations to Allow Accessory Structures to Remain on a Lot without a Principal Structure on the Property Located at 551 Geneva Road Glen Ellyn, IL 60137

Adopted by the
President and the Board of Trustees
of the Village of Glen Ellyn
DuPage County, Illinois
This _____ Day of _____, 20_____.

Published in pamphlet form by the authority of the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, this _____day of _____, 20_____.

PREPARED BY AND MAIL TO:
VILLAGE OF GLEN ELLYN
ATTN: VILLAGE CLERK
535 DUANE STREET
GLEN ELLYN, IL 60137

Ordinance No. _____

An Ordinance Approving a Variation from the Supplemental Regulations to Allow Accessory Structures to Remain on a Lot without a Principal Structure on the Property Located at 551 Geneva Road Glen Ellyn, IL 60137

Whereas, Suzanne Carty, petitioner on behalf of the Glen Ellyn Historical Society, owner of the property located at 551 Geneva Road, Glen Ellyn, Illinois, which is legally described as follows:

THE EAST HALF OF LOT 1 AND THE EAST 25 FEET OF THE WEST HALF OF LOT 1 IN LILLEY'S NORTH GLEN ELLYN, A SUBDIVISION OF LOT 2 IN COUNTY CLERK'S ASSESSMENT DIVISION OF BLOCK 1 OF P.W. STACY'S ADDITION PROSPECT PARK, A SUBDIVISION OF PART OF THE SOUTH HALF OF SECTION 2, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID LILLEY'S NORTH GLEN ELLYN, RECORDED APRIL 13, 1921 AS DOCUMENT 147662, IN DUPAGE COUNTY, ILLINOIS.

PINS: 05-02-322-017, 05-02-332-016

has petitioned the President and Board of Trustees of the Village of Glen Ellyn for a variation from Section 10-4-1(C) to allow accessory structures to remain on a lot which does not have a principal structure.

Whereas, following due notice by publication in the Daily Herald not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all property owners within 250 feet of the subject property at least ten (10) days prior thereto, and following the placement of a placard on the subject property not less than fifteen (15) days prior thereto, the Glen Ellyn Zoning Board of Appeals conducted a public hearing on June 22, 2021, at which the petitioner presented evidence, testimony, and exhibits in support of the variation requested and zero (0) persons appeared in favor of the requested variation and zero (0) persons appeared in

opposition thereto; and

Whereas, based upon the evidence, testimony, and exhibits presented at the public hearing on June 22, 2021, the Zoning Board of Appeals adopted findings of fact and voted on a motion to approve the variation, which carried by vote of five (5) “yes” and one (1) “no”, resulting in a recommendation for approval as set forth in its Draft Minutes dated June 22, 2021, appended hereto as Exhibit "A"; and

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

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

A. That the plight of the owners is due to the excessive cost to bring the current principal structure into a habitable state; and

B. That the storage of museum items off-site would be prohibitively burdensome and expensive; and

C. That the variation, if granted, will not alter the essential character of the locality since the variation will only grant the ability for the detached garage, shed, and driveway to remain in its existing location in proximity to other similar structures; and

D. That the conditions upon which the variation is based would not be applicable generally to other property within the same zoning district since the existing home to be demolished is owned by the Glen Ellyn Historical Society and is also adjacent to their museum, which is zoned C2 Commercial District; and

E. That the purpose of the variation is not based exclusively upon a desire to make

more money out of the property since the applicant intends to use the garage and shed for the non-profit museum's storage of historic artifacts; and

F. That the practical difficulty or particular hardship has not been created by any person presently having an interest in the property; and

G. That the variation will not be detrimental to the public comfort, morals, and welfare or injurious to other property or improvements in the neighborhood in which the property is located since the only change to the property will be the removal of the existing principal structure which is in disrepair; and

H. That the variation will not substantially increase the hazard from fire or other dangers to said property and not otherwise impair the public health, safety, or general welfare of the inhabitants of the Village since there will be no addition of structures on the lot; and

I. That the variation will not diminish or impair property values within the neighborhood; and

J. That the variation will not unduly increase traffic congestion in the public streets and highways, as the traffic pattern on site will not be changed; and

K. That the variation will not result in an increase in public expenditures or create a nuisance since it will allow for the removal of a house that is in disrepair; and

L. That the variation is the minimum variation that will make possible the reasonable use of the land, building or structure; and

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

Now, Therefore, Be It Ordained by the President and Board of Trustees of the Village

of Glen Ellyn, DuPage County, Illinois, in exercise of its home rule powers, as follows:

Section One: The Draft Minutes of the June 22, 2021 Glen Ellyn Zoning Board of Appeals meeting, Exhibit "A" appended hereto, are hereby accepted, and the findings of fact and conclusions set forth in the preambles above are hereby adopted as the findings of fact and conclusions of the corporate authorities of the Village of Glen Ellyn.

Section Two: Based upon the above findings of fact, the President and Board of Trustees hereby approve a variation from Section 10-4-1(C) to allow accessory structures to remain on a lot which does not have a principal structure on the property located at 551 Geneva Road, Glen Ellyn, Illinois, which is legally described as follows:

THE EAST HALF OF LOT 1 AND THE EAST 25 FEET OF THE WEST HALF OF LOT 1 IN LILLEY'S NORTH GLEN ELLYN, A SUBDIVISION OF LOT 2 IN COUNTY CLERK'S ASSESSMENT DIVISION OF BLOCK 1 OF P.W. STACY'S ADDITION PROSPECT PARK, A SUBDIVISION OF PART OF THE SOUTH HALF OF SECTION 2, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID LILLEY'S NORTH GLEN ELLYN, RECORDED APRIL 13, 1921 AS DOCUMENT 147662, IN DUPAGE COUNTY, ILLINOIS.
PINS: 05-02-322-017, 05-02-332-016

Section Three: The granting of the variation is subject to the following conditions:

1. That the project shall be completed in substantial conformance with the plans as submitted and the testimony presented at the June 22, 2021, public hearing of the Zoning Board of Appeals.
2. That if the property is sold or transferred at some point in the future, the accessory structures shall be removed from the property or brought into compliance with the Zoning Code.

Section Four: The Building and Zoning Official is hereby authorized and directed to issue building permits for the subject property, consistent with the variation granted herein, provided that all conditions set forth hereinabove have been met and that the proposed project is

in compliance with all other applicable laws and ordinances. This granting of a variation shall expire and become null and void twenty-four (24) months from the date of passage of this Ordinance unless a building permit to begin demolition of the principal structure in reliance on the variation is applied for within said twenty-four (24)-month time period and is continuously and vigorously pursued provided, however, the Village Board, by motion, may extend the period during which permit application, demolition, and completion shall take place.

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

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

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

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this day of _____ , 20_____.

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this day of _____, 20_____.

_____

Village President

Attest:

_____

Village Clerk

AFFIX VILLAGE SEAL

(Published in pamphlet form and posted on the _____ day of _____).

X:\Plandev\BUILDING\ZBA\5. VARIATION BY ADDRESS\G\GENEVA\551 Geneva Road\4. Meeting Materials\VB

DRAFT MINUTES
ZONING BOARD OF APPEALS
June 22, 2021

The meeting was called to order by ZBA Chairperson Gregory Constantino at 7:04 p.m. Zoning Board of Appeals Members Michelle Covington, Katie Crudele, Matt Jones, Chip Miller and Reed Panther were present. ZBA Member Tom Whalls was excused. Also present were Planning Manager Kelly Purvis, Trustee Liaison Anne Gould 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 June 4, 2021 and June 7, 2021.

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.

EMERGENCY RULES OF PROCEDURE

ZBA Member Jones moved, seconded by ZBA Member Covington, to approve the emergency rules of procedure. The motion was 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 Miller and ZBA Member Panther.

MINUTES

ZBA Member Crudele moved, seconded by ZBA Member Miller, to approve the minutes of the May 11, 2021 meeting. The motion was 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 Miller and ZBA Member Panther.

On the agenda were public hearings regarding the properties located at 551 Geneva Road, 85 Sunset Avenue and 523 Fairway Court.

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

A motion was made by ZBA Member Jones and seconded by ZBA Member Covington to open the public hearing for 551 Geneva Road at 7:11p.m. The motion was 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 Miller and ZBA Member Panther.

PUBLIC HEARING – 551 GENEVA ROAD

PETITIONER SUZANNE CARTY, ON BEHALF OF THE GLEN ELLYN HISTORICAL SOCIETY, IS REQUESTING A RECOMMENDATION OF APPROVAL OF THE FOLLOWING VARIATIONS FROM THE GLEN ELLYN ZONING CODE: 1. A VARIATION FROM 10-4-1(c) TO ALLOW ACCESSORY STRUCTURES (GARAGE, SHED, AND DRIVEWAY) TO REMAIN ON THE PROPERTY WITHOUT A PRINCIPAL STRUCUTRE AFTER THE PRINCIAPL STRUCUTRE IS EMOLISHED; 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.

(Suzanne Carty, on behalf of the Glen Ellyn Historical Society, owner of the property located at 551 Geneva Road).

Staff Presentation

Planning Manager Purvis was present to speak regarding the proposed variation request and was sworn in.

Planning Manager Purvis stated the petitioner is Suzanne Carty, on behalf of the Glen Ellyn Historical Society, owner of the property located at 551 Geneva Road. Mrs. Carty is the President of the Board of Directors for the Glen Ellyn Historical Society. The subject property and the properties to the immediate west and south are zoned R2-Residential District and improved with single-family homes. The lot to the immediate east is zoned C2-Community District and is the

location of Stacy's Tavern which is also owned by the GEHS. Stacy Park, zoned CR-Conservation Recreation District is to the north of the property.

Planning Manager Purvis stated the petitioner is requesting a recommendation of approval from the following variations from the Glen Ellyn Zoning Code:

1. A variation from 10-4-1(c) to allow accessory structures (garage, shed, and driveway) to remain on the property without a principal structure after the principal structure is demolished; 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.

Planning Manager Purvis stated the Village has no record of any variations being previously granted to this property. Planning Manager Purvis stated the Village has granted to following permits to this property: electric service, 1986; electric service, 1986; garage, 1995; sewage connection, 2012; sewer repair, 2014; clearwater compliance, 2014.

Planning Manager Purvis stated the Glen Ellyn Historical Society received the property located at 551 Geneva in 2014 as a gift to the organization. The original plan was for this property to be incorporated into the Museum Campus with a "period bard" or other structure to showcase Glen Ellyn's agricultural heritage and to provide storage for the museum. The petitioner has indicated that the GEHS is funded by private donations and that they do not have the means at this time to develop the property.

Planning Manager Purvis stated the principal structure was used as the home of the Society's Executive Director until 2018, when the house was found to have mild and structural issues, deeming the house uninhabitable. The petitioner has indicated that the cost of remediating the mold and fixing the underlying structural issues are prohibitively high, prompting the Glen Ellyn Historical Society to demolish the principal structure of the property. They would like to continue to get some benefit out of the property by using the existing garage and shed to store items that may be heavy or that need to be easily accessible for their staff.

Planning Manager Purvis stated the petitioner is proposing to demolish the principal structure located at 551 Geneva due to mold and structural issues while keeping the accessory structures on the property for storage. As shown on the Plat of Survey, the garage is approximately 450 square feet in area and 144 feet from the front lot line. The shed is 64 square feet in areas and is tucked behind the garage. Each of the accessory structures are complaint with the Zoning Code in terms of size. However, they are considered legally non-conforming due to their placement from the property line. The garage is 3.85 feet from the east lot line and the shed is 1.8 feet from the south lot line (at their closest points) where 5 feet is required.

Planning Manager Purvis stated the petitioner has indicated that the GEHS does not have funds available at this time to develop the property, but would like to keep the flexibility to sell the property in the future should they need to do so. They are therefore requesting a variation to allow the accessory structures to remain on the lot without a principal structure, rather than consolidating the lot with the

adjacent museum property. In addition to storage, the lot will occasionally be used in conjunction with the museum site for special events (as they currently do). The petitioner has stated that their current storage on the History Center property I s inadequate in size and infested with mice. Keeping the garage and shed located at 551 Geneva will give the Glen Ellyn Historical Society more room for storage, which is vital to their organization's mission (keeping the history of Glen Ellyn without having to incur greater expense for off-site storage.

Questions from the Zoning Board of Appeals

ZBA Member Covington asked if the lot can be used for fundraising needs. Planning Manager stated it can't be used for fundraising needs as it is zoned R2.

ZBA Member Crudele asked why the neighbors are concerned about it being rezoned. Member Crudele asked if this variation is approved if the zoning would change. Planning Manager Purvis stated the zoning will only change if a petition goes forward to the Plan Commission.

ZBA Member Jones asked if Village staff has any recommendations to keep this property zoned as R2 or to make it commercial. Planning Manager Purvis stated the Historical society would like to keep this property flexible and would like to have the option to sell the property in the future.

ZBA Member Jones asked if the lot can be consolidated to eliminate the need of the zoning variations. Planning Manager Purvis stated a consolidation cannot occur due to split ownership of the property. Planning Manager Purvis stated the Historical society would like to keep this property flexible and would like to have the option to sell the property in the future.

ZBA Member Panther asked if the house is too expensive to fix. Planning Manager Purvis stated she will let the petitioner speak to that questions.

ZBA Chairperson Constantino stated the ZBA is only discussing if an accessory structure can remain on the lot without a principal structure. ZBA Chairperson Constantino stated if the principal structure is removed, then a variation would be required to allow the accessory structure to remain. ZBA Chairperson Constantino stated the ZBA is not discussing future zoning of the property. ZBA Chairperson Constantino noted if the property is sold in the future, the property would need to come in compliance. Planning Manager Purvis confirmed this.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation was Suzanne Carty, petitioner on behalf of the Glen Ellyn Historical Society, owners of the property located at 551 Geneva Road.

Ms. Carty stated she believes this is a straight forward variation request. Ms. Carty stated the principal structure (the house) has mold all throughout it. Ms. Carty noted the house was built in the 1890's, and is actually two homes put together. Ms. Carty noted as well as mold, there are structural and sewer issues. Ms. Carty stated the circumstances around the property is unique, which is what

should allow the variation. Ms. Carty stated the property is right next to the Museum Campus and Stacy's Tavern. Ms. Carty stated at some point, the Historical Society would have liked to incorporate the subject property into the Museum Campus, but noted they do not have the money at this time. Ms. Carty stated the Historical Society is in need of storage that is readily available, which is why this property is perfect. Ms. Carty noted the Historical Society may be need to sell this property in the future. Ms. Carty stated the garage is reasonably set back and is in line with the neighbor's garage. Ms. Carty noted she understands that if the property is sold, the variations are removed and the property needs to come into compliance with the Village Code.

Additional Questions from the Zoning Board of Appeals

ZBA Member Jones asked which portion of the house was built in the 1890's. Ms. Carty stated she was unsure, but mentioned the house is two buildings that were put together. Ms. Carty stated the Historical Society would ideally fix the house, but they do not have the funds for that.

ZBA Member Jones asked if money was not an issue, if the Historical Society would be more inclined to tear down the house or to have it part of the Museum Campus. Ms. Carty stated if there were unlimited funds, this property would be included in the Museum Campus and work would be done to make it match Stacy's Tavern.

ZBA Member Jones asked if the long term goal is the sell the property and use that money for Stacy's Tavern. Ms. Carty confirmed this as a possibility.

ZBA Member Jones asked if the Historical Society has the funds to demolish the property. Ms. Carty confirmed they have these funds from a private donor.

ZBA Member Miller asked if the request is denied, where the Historical Society would store the items already in the shed and garage. Ms. Carty stated without this storage, the Historical Society would run out of storage space and would have to purchase off-site storage.

ZBA Member Panther asked if any of the storage is outside of the shed or garage. Ms. Carty stated all storage is inside, and they would intend to update landscaping with period gardens.

ZBA Member Panther asked if there will be any parking and/or event parking on site. Ms. Carty stated they will continue to use the property for parking, as done is the past.

ZBA Chairperson Constantino asked if the Historical Society is comfortable with the condition that if the property is sold, the property would need to come into compliance with the Zoning Code. Ms. Carty confirmed they are comfortable with this condition.

Persons in Favor of or in Opposition to the Variation Requests

None.

Findings of Fact

ZBA Member Panther stated the following findings of fact: the subject property is located at 551 Geneva Road; the subject property is an interior lot on the south side of Geneva Road between N. Main Street and Highland Avenue; the property is currently zoned as R2 with a mix of zoning districts surrounding the property; the petitioner is Suzanne Carty, on behalf of the Glen Ellyn Historical Society; the petitioner is requesting a recommendation of approval of the following variations of the Glen Ellyn Zoning Code: 1. A variation from 10-4-1(c) to allow accessory structures (garage, shed and driveway) to remain on the property without a principal structure after the principal structure is demolished; the property was gifted to the Glen Ellyn Historical Society in 2014; the Village owns the property to the east (Stacy's Corner); the garage and shed and considered legal non-conforming; the garage has a 0 foot impervious surface setback and is also considered legal non-conforming; the house is in disrepair with structural and mold issues; it is prohibitively expensive to repair; there is a petition of support from the neighbors and the neighbors have expressed interest in keeping the property zoned R2; staff recommended to add a clause to the approval that the property be brought into compliance with the Zoning Code if sold.

ZBA Member Panther continued the findings of fact: petitioner Suzanne Carty stated there are mold and structural issues to the house; two buildings were combined to make one structure, which has also caused structural issues; Ms. Carty has no objection to the approval clause noted by staff; the Historical Society is in need of the storage provided by the shed and garage.

Motion

ZBA Member Covington moved, seconded by ZBA Member Crudele that the Zoning Board of Appeals recommend to approve the Findings of Fact. The motion was 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 Miller and ZBA Member Panther.

Additional Comments from the Zoning Board of Appeals

ZBA Member Covington stated she is in support of the request with the proposed condition.

ZBA Member Crudele stated she is in support of the request with the proposed condition.

ZBA Member Jones stated residents have noted they would like the zoning of this property to stay R2 and noted if the property is sold or incorporated into the Museum Campus, it would likely change the zoning. ZBA Member Jones stated the Historical Society would like to sell of build on the property and noted either would bring the demolition of the garage. ZBA Member Jones stated this is a temporary fix the storage problem and that he is not in favor of the request.

ZBA Member Miller stated this is the definition of a unique request and noted of the gems in Glen Ellyn uses this space for storage. ZBA Member Miller stated he is in support with the proposed condition.

ZBA Member Panther stated he is in favor of the request with the proposed condition. ZBA Member Panther noted there is not real hardship, but noted this is a unique circumstance.

ZBA Chairperson Constantino stated he is in support of the request with the proposed condition. ZBA Chairperson Constantino stated this is an unique circumstance and noted the Historical Society is unable to consolidate the lots and that it is too costly to repair and too costly to obtain off-site storage.

Motion

A motion was made by ZBA Member Crudele and seconded by ZBA Member Covington to close the public hearing for 200 N. Montclair Avenue at 7:51 p.m. The motion was 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 Miller and ZBA Member Panther.

A motion was made by ZBA Member Miller and seconded by ZBA Member Crudele as follows:

Having considered the application of Suzanne Carty, on behalf of the Glen Ellyn Historical Society, owner of the property located at 551 Geneva Rd., Glen Ellyn, for a zoning variation from Section 10-4-1(C) to allow a driveway, garage and shed to remain on the property without a principal structure, 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 June 22, 2021, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following hardship(s) or unique circumstance(s):

1. This property is unique in its location next to the Stacy's Tavern Museum Campus and that it was gifted to the Glen Ellyn Historical Society.

2. The existing home is in a non-usable and non-livable condition and needs to be demolished.

3. The existing on-site garage and shed are used for storage by the Glen Ellyn Historical Society and without the storage on this property, the Historical Society will run out of space and would need to start renting off-site storage.

Subject to the following conditions:

1. The project shall be constructed in substantial conformance with the plans as submitted and the testimony presented at the June 22, 2021 public hearing of the Zoning Board of Appeals.

2. If the property is sold or transferred, the legal nonconforming structures must be removed to be

brought into complaisance to the Village Code.

The motion was carried with 5 "yes" votes and 1 "no" vote. The "yes" votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington, ZBA Member Crudele, ZBA Member Miller and ZBA Member Panther. The "no" votes are as follow: ZBA Member Jones.

A motion was made by ZBA Member Jones and seconded by ZBA Member Crudele to open the public hearing for 85 Sunset Avenue at 7:54 p.m. The motion was 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 Miller and ZBA Member Panther.

PUBLIC HEARING – 85 SUNSET AVENUE

PETITIONER MICHAEL FOLTZ IS REQUESTING A RECOMMENDATION OF APPROVAL OF THE FOLLOWING VARIATIONS FROM THE GLEN ELLYN ZONING CODE: 1. A VARIATION FROM SECTION 10-5-5(C) OF THE ZONING CODE TO ALLOW AN IMPERVIOUS SURFACE SETBACK OF 3 FEET 3 INCHES WHERE AN IMPERVIOUS SETBACK OF 5 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 A PUBLIC MEETING OF THE VILLAGE BOARD.

(Michael Foltz, Manager of 85 Sunset LLC and owner of the property located at 85 Sunset Avenue).

Staff Presentation

Planning Manager Purvis was present to speak regarding the proposed variation request and was sworn in.

Planning Manager Purvis stated the petitioner is Michael Foltz, manager of 85 Sunset LLC, which owns the property located at 85 Sunset Avenue. The subject property is an interior lot located on the east side of Sunset Avenue between Sunset Court and Fairview Avenue. The subject property and all surrounding properties are zoned R2 – Single Family Residential District and are all improved with single-family homes.

Planning Manager Purvis stated the petitioner is requesting a recommendation of approval from the following variations from the Glen Ellyn Zoning Code:

1. A variation from Section 10-5-5(C) of the Zoning Code to allow an impervious surface setback of 3 feet 3 inches where an impervious setback of 5 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 at a public meeting of the Village Board.

Planning Manager Purvis stated Village records indicate that there are no previous variations granted

to this property. Planning Manager Purvis stated the following permits have been issued for the property: Plumbing, 1975; Roof Addition, 1975; Tool shed, 1977; Plumbing, 1983; Driveway Approach, 1997; Sewer Repair, 2002; Sewer Clean Out, 2002; Fence, 2003; Sewage Connection, 2018; SFH Demolition, 2018; SFH New Construction, 2018; Lawn Sprinkler Installation, 2020.

Planning Manager Purvis stated the subject property is approximately 1-acre in size with a lot width of 144 feet. The property owners designed the attached garage to allow their John Deere tractor to enter and exit from the side of the garage (the tractor is 6.5 feet long and 4.5 feet wide without any attachments). The side door of the garage, which is located on the southeast side of the garage, measures only 8 feet 11 inches. The petitioner has indicated that the garage door width provides very little room to maneuver when moving the tractor from the garage to the front driveway. In the attached letter, the applicant's contractor stated that when the tractor was delivered to the site, they noticed right away that the tractor could not make a zero-turn radius from the side garage door onto the walk as originally planned. He admits that he suggested moving the sidewalk 36 inches south of the original (approved/permitted) location while also maintaining the 6-foot wide sidewalk to allow enough room for the tractor to travel on. The contractor also indicates, if the walk was maintained at its original location, 6 feet 3 inches from the south lot line, the home owner would not be able to use the walk as originally intended without the risk of hitting the side of the garage when pulling the tractor in and out and potentially damaging the grass and tacking mud into the garage. These suggested field changes resulted in the sidewalk being installed in the side yard approximately 3 feet 3 inches from the property line, which deviates from the 5-foot setback required for this lot. Note, impervious surface requirements are based upon a sliding scale percentage of the lot width. For single family lots, the 5 foot setback is the maximum requirement for impervious surfaces.

Planning Manager Purvis stated the petitioner is proposing to maintain the sidewalk/impervious surface in its existing location per the attached Final Grading Plan. According to the contractor, allowing the sidewalk to remain will allow the safe travel of the tractor in and out of the garage and provide enough room to accommodate the intended stormwater swale for impervious surfaces.

Planning Manager Purvis stated per Section 10-10-12 of the Glen Ellyn Zoning Code, the petitioner is requesting approval of a construction necessitated zoning variations from the Zoning Code to allow form the maintenance of an existing walkway with a 3 feet 3 inches impervious surface setback. In order for the walkway to remain, the abovementioned variation will need to be granted. Petitioners of support for the variation request were received from the property owners at 81 Sunset Avenue (adjacent lot the south), 90 Sunset Avenue (adjacent property to the west), and 75 Sunset Avenue (one lot south of neighbor).

Questions from the Zoning Board of Appeals

ZBA Member Jones asked if this was a 50 foot wide lot, would the impervious setback be 1 foot. Planning Manager Purvis confirmed this.

ZBA Member Jones asked if there was any difference in the Zoning Code between a sidewalk and driveway. Planning Manager Purvis stated they are considered the same in the Village Code in regards to impervious surface.

ZBA Chairperson Constantino asked if there are any drainage or stormwater concerns. Planning Manager Purvis stated the property has a drywell and swale and noted Senior Civil Engineer McKenna has reviewed the plans had has no stormwater concerns.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation Michael Foltz, Manager of 85 Sunset LLC and owner of the property located at 85 Sunset Avenue; Tracy D. Kasson, petitioner's attorney; Brian P. Casey, petitioner's architect.

Mr. Foltz stated the side door on the garage is to be used for both the tractor and as well as a wheelchair ramp. Mr. Foltz stated if the sidewalk is moved closer to the garage, the tractor wheels would be on the swale and would potentially impact the use of the swale. Mr. Foltz stated the side door on the garage provides the most effective means to using the tractor. Mr. Foltz stated the sidewalk has been placed in the current location to allow for easy snow removal during the winter months. Mr. Foltz stated there are no issues with their neighbors. Mr. Foltz also noted the setback requirement was missed and he was unware that due to the lot size he would need a larger setback.

Mr. Kasson stated this property leads to practical difficulties and a unique circumstance. Mr. Kasson stated the lot size requires a larger impervious surface setback requirement. Mr. Kasson stated the requested variation is needed to accommodate the tractor and wheelchair use. Mr. Kasson stated the request will not alter the character of the neighborhood and noted there is neighbor support to leave the sidewalk where is. Mr. Kasson also stated this variation request will preserve the current landscaping on the property.

Additional Questions from the Zoning Board of Appeals

ZBA Member Crudele asked if the need to use the wheelchair would provide a safety concern/hardship. Mr. Foltz noted the home was built to accommodate his wife's needs and noted she is unable to use stairs.

ZBA Member Miller asked if a wheelchair is able to make the turn on the original planned sidewalk. Mr. Foltz stated his is correct and there is no issues with the wheelchair using the sidewalk as originally planned. Mr. Foltz stated the principal use of the side door on the garage will be for the tractor, which will be used to clear snow for use of the wheelchair.

ZBA Chairperson Constantino if the decision to move the concrete/sidewalk was made once it was realized the tractor would not make the turn as originally planned. Mr. Casey confirmed this.

Persons in Favor of or in Opposition to the Variation Requests

None.

Findings of Fact

ZBA Member Panther stated the following findings of fact: the subject property is located at 85 Sunset Avenue; the subject property is an interior lot located on the east side of Sunset Avenue between Sunset Court and Fairview Court; the subject property and all surrounding properties and zoned R2 and are all improved with single-family homes; the petitioner is Michael Foltz, manager of 85 Sunset LLC, which owns the subject property; the petitioner is requesting a variation for a construction necessitated zoning variation from Section 10-5-5(C) to allow an existing impervious surface to remain on the property approximately 3 feet 3 inches from the property line where 5 feet is required the property is approximately 1 acre with a 114 foot lot width; the approve plan had a sidewalk running along the south side of the wall; during construction it was realized the tractor could not make the turning radius out of the rear garage door to the sidewalk; the contractor shifted the sidewalk 3 feet 3 inches to the south to accommodate the turning radius of the tractor; there are letters of support for the neighbors, including the neighbor directly next to the subject property; the impervious surface setback is based on a sliding scale with the max setback of 5 feet; the removal of 1 foot 9 inches would bring the sidewalk into compliance.

ZBA Member Panther continued the findings of fact: Michael Foltz; Tracy Kasson and Brian Casey were present for the petitioner's presentation; the petitioners stated the sidewalk was designed for tractor and wheelchair access; the sidewalk was designed to keep mud and dirt out of the garage as well as protect the swale; the hardship is created by the impervious surface sliding scale; the sidewalk could remain as is if it was built on a 90 foot lot; the garage was part of the original construction of the home and not part of the addition.

Motion

ZBA Member Covington moved, seconded by ZBA Member Jones that the Zoning Board of Appeals recommend to approve the Findings of Fact. The motion was 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 Miller and ZBA Member Panther.

Additional Comments from the Zoning Board of Appeals

ZBA Member Covington stated she is leaning toward not approving this request. ZBA Member Covington stated the only unique circumstance regarding the property is that a homeowner's use of a wheelchair. ZBA Member Covington noted the wheelchair is able to make the turn from the garage as originally planned. ZBA Member Covington stated she does not see the hardship related to the request.

ZBA Member Crudele stated she in on the fence with this request. ZBA Member Crudele stated this request was reviewed by the Village's Senior Civil Engineer, and there were no concerns regarding

stormwater. ZBA Member Crudele stated a hardship is created by the need of a homeowner to use a wheelchair.
ZBA Member Jones stated he is in favor of this request. ZBA Member Jones noted the sidewalk is not build right on the lot line and stated their neighbor is in support of the request. ZBA Member Jones stated the variation request is minimal. ZBA Member Jones stated a lot width of 120 feet is not common, which makes this a unique circumstance. ZBA Member Jones also stated the ZBA has approved variation request similar to this in the past.

ZBA Member Miller stated this is an impervious surface issue, not just a lot line issue. ZBA Member Miller stated a wheelchair can fit through the garage and sidewalk with the original plans. ZBA Member Miller stated he understands the most efficient way to get the tractor out of the garage is the side door, but noted that is not a hardship.

ZBA Member Panther stated he agrees with the comments made by ZBA Member Miller. ZBA Member Panther stated he is not in favor of this request as he does not see a hardship.

ZBA Chairperson Constantino stated he agrees with the comments made by ZBA Member Jones. ZBA Chairperson Constantino stated the lot size creates a unique circumstance. ZBA Chairperson Constantino stated the Village's Senior Civil Engineer did not have any stormwater concerns and noted he would like to reduce the amount of time the tractor needs to be on the swale. ZBA Chairperson Constantino also noted there is neighbor support of the request. ZBA Chairperson Constantino stated he is in favor of the request.

ZBA Member Covington stated she is not in favor of this request.

ZBA Member Crudele stated she is in favor of this request.

ZBA Chairperson Constantino explained to the petitioner that as the vote currently stands, the motion will not pass, but the variation will still be considered by the Village Board.

A ten minute break was observed between 8:52 p.m. and 9:02 p.m. to allow the petitioners to discuss the vote and next steps.

Mr. Kasson stated the sidewalk was not made wider and noted it was just moved. Mr. Kasson noted the drywell and swale will remain in the same location and noted there are no concerns from the Village's Senior Civil Engineer. Mr. Kasson stated the neighbors are in support of this request. Mr. Kasson also noted the current location of the sidewalk maximizes the best use of the tractor.

<u>Motion</u>

A motion was made by ZBA Member Miller and seconded by ZBA Member Crudele to close the public hearing for 85 Sunset Avenue at 9:02 p.m. The motion was 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 Miller and ZBA Member Panther.

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

Having considered the application of Michael Foltz, owner of the property located at 85 Sunset, Glen Ellyn, for a construction necessitated zoning variation from Section 10-5-5(C) to allow an existing impervious surface to remain on the property approximately 3 feet 3 inches from the property line where 5 feet is required, 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 June 22, 2021, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following hardship(s) or unique circumstance(s):

1. The lot size dictates a greater setback than a smaller lot.

2. Moving the sidewalk to the location in the approved plans will impact the stormwater swale as the tractor will need to drive on it, and this may cause potential drainage issues.

Subject to the following conditions:

1. The project shall be constructed in substantial conformance with the plans as submitted and the testimony presented at the June 22, 2021 public hearing of the Zoning Board of Appeals.

2. The concrete walkway must be maintained.

3. The dry well on the property must be maintained.

The motion was not carried with 3 "yes" votes and 3 "no" vote. The "yes" votes are as follow: ZBA Chairperson Constantino, ZBA Member Crudele and ZBA Member Jones. The "no" votes are as follow: ZBA Member Covington, ZBA Member Miller and ZBA Member Panther.

A motion was made by ZBA Member Panther and seconded by ZBA Member Covington to open the public hearing for 639 Newton Avenue at 9:10 p.m. The motion was 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 Miller and ZBA Member Panther.

PUBLIC HEARING – 523 FAIRWAY COURT

PETITIONER MICHAEL FISHER IS REQUESTING A RECOMMENDATION OF APPROVAL OF THE FOLLOWING VARIATIONS FROM THE GLEN ELLYN ZONING CODE: 1. SECTION 10-5-4(A)4b TO ALLOW AN ACCESSORY STRUCTURE (PERGOLA) WITHIN 10 FEET OF THE PRINCIPAL STRUCTURE TO ENROACH 16.23 FEET INTO THE REAR YARD, WHICH RESULTS IN A REAR YARD SETBACK OF APPROXIMATLEY 23.68 FEET IN LIEU OF THE REQUIRED MINIMUM 40 FOOT YARD SETBACK; 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.

(Michael Fisher, owner of the property located at 523 Fairway Court).

Staff Presentation

Planning Manager Purvis was present to speak regarding the proposed variation request and was sworn in.

Planning Manager Purvis stated the petitioner is Michael Fisher, owner of the property located at 523 Fairway Court. The subject property is a corner lot on the north and east side of Fairway Court, just west of Cumnor Avenue. The subject property, as well as all surroundings properties, are zoned R2 – Residential District and improved with single-family homes.

Planning Manager Purvis stated the petitioner is requesting a recommendation of approval from the following variations from the Glen Ellyn Zoning Code:

1. Section 10-5-4(A)4b to allow an accessory structure (pergola) within 10 feet of the principal structure to encroach 16.23 feet into the rear yard, which results in a rear yard setback of approximately 23.68 feet in lieu of the required minimum 40 foot rear yard setback; 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.

Planning Manager Purvis stated Village records indicate that no variations have been previously granted to this property. Planning Manager Purvis stated the Village has granted the following permits to this property: New Home Construction, 2019; Patio and Retaining Wall, 2019; Irrigation, 2020; Sump Pump Connection, 2020.

Planning Manager Purvis stated the petitioner submitted a building permit application on October 1, 2019 for construction of a pergola, patio and retaining wall. Staff issued the first review of the proposed improvements on October 23, 2019 requesting additional information about the pergola (among other things). A second review of the proposed improvements was issued on November 14, 2019 noting that the location of the proposed pergola was not compliant with the Village Code. On November 23, 2019 the petitioner's architect submitted a review response letter to the Village indicating that the pergola had been removed from the permit application, and the property owners would be seeking a variation to construct the pergola. The plans were then approved by Village staff on December 9, 2019. A variation application to allow the pergola to be constructed on the property within 10 feet of the principal structure was not submitted to staff. A final inspection of the property was performed in February of 2021 in an attempt to close out the permit. At that time, staff noted that the pergola had been constructed without the granting of a variation. The property owner was contacting by staff on February 18, 2021 and given a deadline for submission of a Construction Necessitated Zoning Variation application.

Planning Manager Purvis stated the subject property has a 10-foot wide stormwater management easements that runs through the rear yard and corner side yard at an angle that limits the usable area of the property. The principal structure is constructed up to the 40 foot rear yard setback, and the pergola is approximately 5.6 feet from the house. The Zoning Code requires that all accessory structures within 10 feet of a principal structure meet the same required setback as the principal structure. In other words, because the pergola is within 10 feet of the house, it needs to meet the minimum setback requirements of the principal structure (40 feet from the rear lot line, 30 feet from the front lot line and 10 feet from the side lot lines). Pergolas are permitted to encroach into any required yard, provided there are 10 feet from the principal structure and at least 10 percent of the lot width from any property line.

Planning Manager Purvis stated the petitioner has indicated that a unique circumstance exists due to the stormwater management easement that runs diagonally across the property. The pergola has been constructed as close to the easement as it can be. It is approximately 23.7 feet from the rear lot line (encroaching 16.23 feet into the required rear yard). The pergola is 210 square feet in area and 10 feet tall. Outside of its placement on the property, it is otherwise compliant with the Zoning Code.

Planning Manager Purvis stated the petitioner is requesting to maintain the pergola in its existing location. A variation from Village Code Section 10/5/4(A)4b would need to be granted in order to allow the petitioner to keep the pergola in its current location. Without the granting of the variation, the petitioner will need to remove to pergola. It could be reconstructed in a compliant location on the property. Property owners of eight adjacent properties submitted petitions of support of the variation request.

Questions from the Zoning Board of Appeals

ZBA Member Jones asked if a PUD was put in place when this development was being built. Planning Manager Purvis stated there was not.

ZBA Member Miller asked in which direction the water flows. Planning Manager Purvis stated the water flows from the northeast to the southwest from Cumnor Ave.

ZBA Member Panther noted the patio encroaches into the stormwater easement and asked if that was allowed. Planning Manager Purvis stated that the patio should have not been built there but also note Senior Civil Engineer McKenna has allowed the patio to remain as is.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation was Michael Fisher, owner of the property located at 523 Fairway Court, and Kevin Wallace, petitioner's landscaper.

Mr. Fisher stated he purchased this new construction in November of 2019. Mr. Fisher stated the patio and pergola was a significant component of why his family purchased the home. Mr. Fisher stated the patio was designed with shade as the main priority. Mr. Fisher stated all work was done

through a builder and landscaper. Mr. Fisher stated he was unware of the stormwater easement when they purchased the home, and noted the swale take up 20 percent of usable land in the back of the home. Mr. Fisher stated he was under the impression everything was approved by the Village and he was never made aware of the variation requirement for the patio and pergola. Mr. Fisher stated it will take approximately $20,000 to tear down and rebuild the pergola. Mr. Fisher stated he was surprised and concerned to learn that the permits were not approved by the Village, and once he learned there was an issue, he immediately started working with Village staff to resolve it. Mr. Fisher also noted he has support from 8 direct neighbors. Mr. Fisher also noted without the patio and pergola, his family will not be able to enjoy the backyard in the summer.

Mr. Wallace stated when the pergola was denied by the Village, he was aware a variation would be needed to allow the pergola to be built as proposed. Mr. Wallace stated when the patio permit was issued, it also allowed the footings of the pergola to be installed. Mr. Wallace stated this was not an error by the builders or homeowners but stated it was 100 percent his fault. Mr. Fisher stated his office dropped the ball regarding the variation. Mr. Wallace stated this is the only placement that the patio and pergola can be built due to the stormwater easement.

Additional Questions from the Zoning Board of Appeals

ZBA Member Covington asked if the builder lied to the Fisher's regarding the permits. Mr. Fisher stated he had full trust in the building to handle all permits. Mr. Fisher stated clearly there was not effective communication with him and the building, and didn't think to ask if all permits were approved.

ZBA Chairperson Constantino asked if Mr. Fisher saw the email between Village staff and the architect where it was noted the pergola has been removed from the application. Mr. Fisher stated he was never aware of that email. Mr. Fisher stated during the buying process, he visited the property on several occasions. Mr. Fisher stated during the visits, he discussed the design of the pergola and took the advice he was given at face value. Mr. Fisher stated during this process, he was never made aware of the issues surrounding the pergola.

ZBA Member Miller asked who hired the architect. Mr. Fisher stated the landscapers did.

ZBA Chairperson Constantino asked when Mr. Fisher closed on the property of the home was completed. Mr. Fisher stated it was not complete, but had a temporary certificate of occupancy.

ZBA Member Covington asked if any other ideas were explored to provide shade (trees, patio furniture, etc.) Mr. Wallace stated the pergola is the only option that was explored. Mr. Fisher stated there are two large bushes that were installed to help reduce sunlight from the west, but noted there is not relief from the sunlight from above. Mr. Fisher also noted they have a patio umbrella to help create shade.

Persons in Favor of or in Opposition to the Variation Requests

None.

Findings of Fact

ZBA Member Panther stated the following findings of fact: the subject property is 523 Fairway Court; the subject property is a corner lot on the north and east side of Fairway Court, just west of Cumnor Avenue; the subject property, as well as all surrounding properties, are zoned R2 and improved with single-family homes; the property owner is Michael Fisher, owner of the property; the petitioner is requesting a construction necessitated zoning variation from Section 10-5-4(A)4b to allow an existing pergola on the property to remain within 10 feet of the principal structure and to encroach 16.23 feet into the required rear yard resulting in a setback of approximately 23.68 feet where 40 feet is required; this is a new home construction with a permit issued in 2019; a permit application for the pergola was submitted in 2019 and staff noted the location of the proposed pergola was not compliant with the Village Code, and the architect indicated that the pergola had been removed for the permit application and that the property owner would be seeking a variation to construct the pergola; a permit for the construction was issue and upon final inspection staff realized the pergola had been installed with no permit or variation request; a stormwater management easement runs diagonally across the property limiting the location where accessory structures can be placed; the pergola is 5.6 feet from the house and 210 square feet and 10 feet tall; if the pergola was located 10 feet away from the principal structure the structure would be complaint.

ZBA member Panther continued the findings of fact: petitioner Michael Fisher purchased the home in November of 2019; the improvements to the home, including the patio and pergola, were agreed to with the builder prior to purchasing the home; he was not aware of the emails from the architect stating the pergola would be removed and a variation would be request.

ZBA Member Panther continued the findings of fact: the petitioner's landscaper, Kevin Wallace, stated his company designed the patio and pergola; the footings were installed with the patio; the pergola was built without a permit or zoning variation request;; the cost to tear the pergola down would be approximately $4,000 to $5,000 and to move the pergola would cost approximately $20,000.

ZBA Member Panther continued the findings of fact: petitioner Suzanne Carty stated there are mold

Motion

ZBA Member Covington moved, seconded by ZBA Member Jones that the Zoning Board of Appeals recommend to approve the Findings of Fact. The motion was 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 Miller and ZBA Member Panther.

Additional Comments from the Zoning Board of Appeals

ZBA Member Covington stated this is a tough decision because the variation request is coming to the ZBA after the fact. ZBA Member Covington stated it is difficult to believe that with all individuals who were involved in this process, nobody asked the question if this was approved. ZBA Member Covington stated she sees the challenge that there is no other location to build the patio and pergola.

ZBA Member Crudele stated she agrees with the statements made by ZBA Member Covington. ZBA Member Crudele stated it is upsetting there was email communication stating the pergola has been removed from the plan just to have it built. ZBA Member Crudele did note the property and land leads to a unique circumstance. ZBA Member Crudele stated she is in favor of the request due the land/shape of the lot.

ZBA Member Jones stated he agrees with the statements made by ZBA Member Covington and Crudele. ZBA Member Jones stated if this request came to the ZBA before the pergola was built, he would be in favor of it.

ZBA Member Miller stated it is a dangerous precedent to set to approve this request. ZBA Member Miller stated he would if this request came to the ZBA before the pergola was built that he would be in favor of it. ZBA Member Miller stated he is not in favor of the request due to the fact that it was built without a permit.

ZBA Member Panther stated if this request came to the ZBA before the pergola was built, he would be in favor of it. ZBA Member Panther stated there is a hardship due to the land and swale easement. ZBA Member Panther stated he is in favor of the request, but noted it was frustrating that the pergola was built without the required permits.

ZBA Chairperson Constantino stated he is upset that nobody involved caught this error. ZBA Chairperson Constantino stated they went through the permit process, and should have known a problem existed. ZBA Chairperson Constantino stated if the request was brought to the ZBA before the pergola was built, he would be in favor of it. ZBA Chairperson Constantino stated he is overall not in favor of this request.

ZBA Member Covington stated she is not in favor of this request and is concerned about the precedent it would set to have the ZBA approve this request.

Motion

A motion was made by ZBA Member Miller and seconded by ZBA Member Covington to close the public hearing for 523 Fairway Court at 10:20 p.m. The motion was 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 Miller and ZBA Member Panther.

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

Having considered the application of Michael Fisher, owner of the property located at 523 Fairway Ct., Glen Ellyn, for a construction necessitated zoning variation from Section 10-5-4(A)4b to allow an existing pergola on the property to remain within 10 feet of the principal structure and to encroach 16.23 feet into the required rear yard resulting in a setback of approximately 23.68 feet where 40 feet is required, 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 June 22, 2021, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following hardship(s) or unique circumstance(s):

1. House sits on an existing non-conforming corner lot causing the inability to add a second story without zoning relief. They are not increasing the footprint of the property.

The motion was not carried with 3 "yes" votes and 3 "no" vote. The "yes" votes are as follow: ZBA Member Crudele, ZBA Member Jones and ZBA Member Panther. The "no" votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington and ZBA Member Miller.

Staff Report

Planning Manager Purvis stated there is one case in que that may come to the ZBA in July. Planning Manager Purvis stated there are a few applications in process, but not ready to be brought to the ZBA. Planning Manager Purvis also stated a new Planner will be starting on July 7.

Trustee Liaison Report

Trustee Gould stated the Village Board met to discuss the Streetscape project and lane configuration. Trustee Gould stated the moratorium on cannabis was extended to allow the new trustees to get up to speed on the issue.

Adjournment

At 10:32 p.m. a motion was made by ZBA Member Miller and seconded by ZBA Member Panther to adjourn the meeting. The motion was 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 Miller and ZBA Member Panther

Lindsey Kaminsky
Recording Secretary

GISConsortium | 551 Geneva Road

Legend

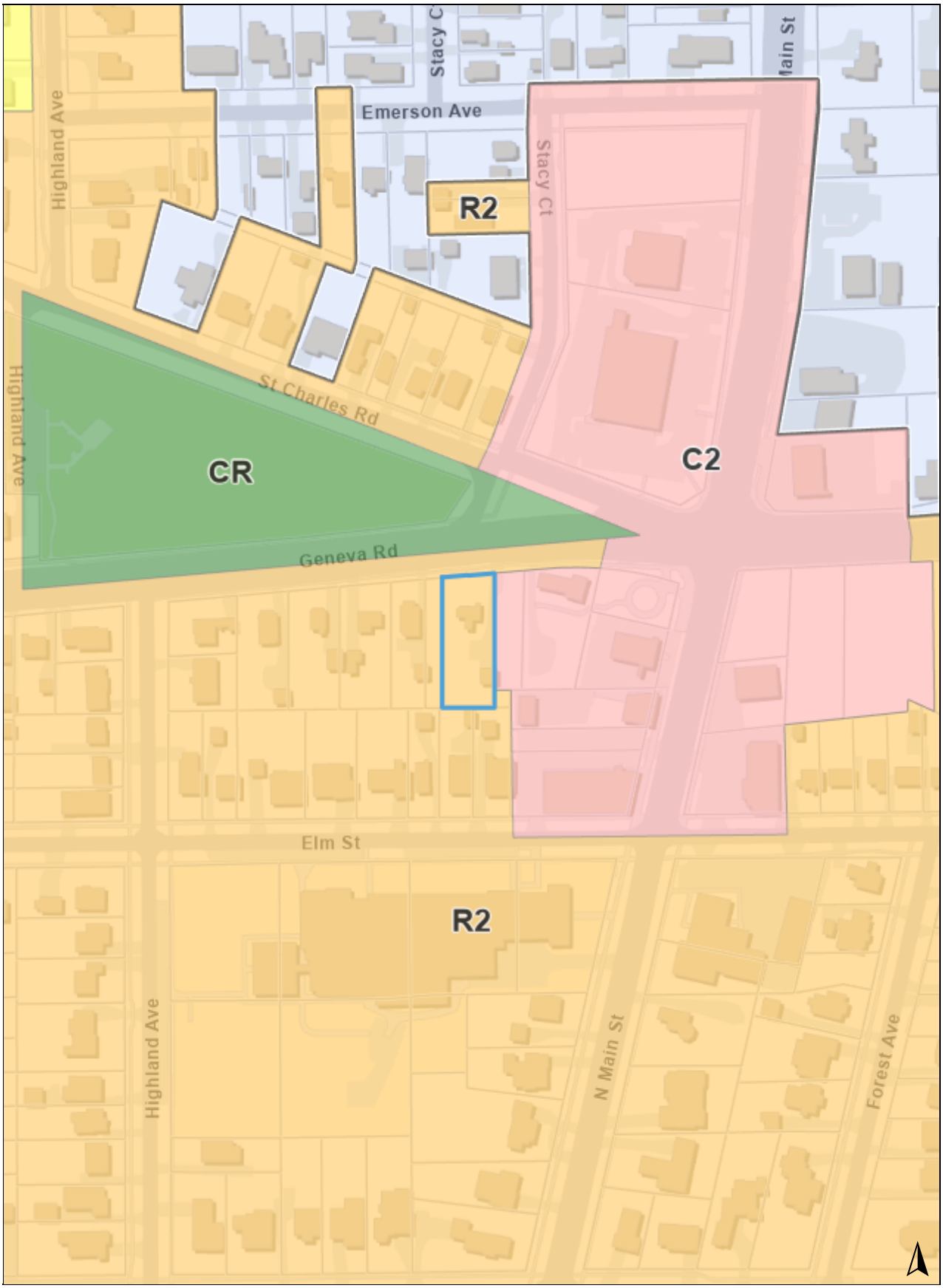
0 150 300 ft

Print Date: 6/8/2021

Notes

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.

GISConsortium | 551 Geneva Road Zoning Map



Legend

Zoning and Development

Zoning

- C2: Community Commercial District
- CR: Conservation/Recrea District
- R1: Single Family Residential District
- R2: Single Family Residential District

0 300 600 ft

Print Date: 6/15/2021

Notes

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.

RECEIVED
MAY 1 4 2021
VILLAGE OF GLEN ELLYN

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

CLEAR ALL PAGES

APPLICATION FOR VARIATION

For the property at 551 Geneva Road, 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: Glen Ellyn Historical Society (by Suzanne Carty, President)

Address: 800 North Main St., Glen Ellyn, IL

Home Phone No.: 630-790-8480 Cell Phone No.:

Fax No.:

E-mail: dscarty2001@yahoo.com

Ownership Interest in the Property in Question:

The Glen Ellyn Historical Society ("GEHS") is the owner of the Property. Suzanne Carty is the President of the Board of Directors of GEHS and otherwise has no interest in the Property.

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

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

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

N/A

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

N/A

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

○ YES ◉ NO

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

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

○ YES ◉ NO

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

III. PROPERTY INFORMATION:

Common address: 551 Geneva Road, Glen Ellyn, Il 60137

Permanent tax index number: 05-02-322-017 and 05-02-332-016

Legal description:

The East Half of Lot 1 and the East 25 Feet of the West Half of Lot 1 in Lilley's North Glen Ellyn, a Subdivision of Lot 2 in County Clerk's Assessment Division of Block 1 of P.W. Stacy's Addition Prospect Park, a Subdivision of Part of the South Half of Section 2, Township 39 North, Range 10, East of the Third Principal Meridian, according to the Plat of said Lilley's North Glen Ellyn, recorded April 13, 1921 as Document 147662, in Dupage County, Illinois.

Zoning classification: R2 Residential

Lot size: 190 - 197.92 ft. x 150.55 ft. Area: 19,395 sq. ft.

Present use:

The house has been empty since the summer of 2018, when it was determined to be uninhabitable because of mold. Prior to that, the Executive Director of GEHS lived in the house, as part of her terms of employment. GEHS stored items in the house, garage and shed and used the grounds for special events such as the annual Vintage Auto Show and Tavern Day.

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):

1. Variation from Section 10-4-1(c) to allow the following accessory structures to remain on the Property after the house is demolished: garage, shed, driveway.

Estimated date to begin construction: _____

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

N/A

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

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

A. Standards Applicable to All Variations Requested:

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

Lack of storage is a problem for GEHS, whose mission includes the collection and preservation of the history of Glen Ellyn. In addition to the cost of alternative storage, there are practical difficulties if GEHS cannot use the garage and shed on the Property. Some stored items are large and heavy, so not easily movable when needed, and others need to be readily accessible by staff and volunteers for research, educational programs, displays and other activities at the Museum Campus.

GEHS also wants to use the Property for special events and activities, such as its annual Tavern Day, Vintage Auto Show and other similar events. Outdoor space and parking is limited on the Museum Campus, and holding such events is difficult and, in some cases impossible, without the Property for display, public gathering and staging areas, and overflow parking by guests, staff and volunteers.

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):

GEHS is a non-profit organization. As such, this section is not applicable to its situation.

OR

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

The unique circumstances relating to the Property include its location, adjoining the Stacy's Tavern Museum Campus to the west. The Property was gifted to GEHS in 2014 to preserve the opportunity to extend the Museum Campus, but the donor placed no restrictions on what GEHS could do with it, including selling. At this time GEHS has neither specific plans for nor funds available to develop the Property, but wants to make reasonable use of it while keeping its options open.

The Property was the home of the Society's Executive Director until 2018, when the house was found to be contaminated with mold, rendering it uninhabitable. Because of the costs of remediating the mold and fixing the underlying structural issues, GEHS has decided to demolish the building.

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 Property is almost .45 acre, of which the garage covers 448.44 sq. feet or 2.31%. The garage sits to the back of the Property (approximately 144.4 feet from Geneva Rd), with the shed behind, out of sight from the road. Both structures sit close to the east lot line of the Property and the free-standing garages on the surrounding properties at 810 North Main and 554 and 548 Elm St. (See parcel views and photographs attached as Schedules 'B', 'C' and 'D'). Immediately east of the Property is an empty lot, part of the Stacy's Tavern Museum Campus. Nothing will be stored in the garage to which GEHS will need regular or, for the most part, vehicle access.

The use of the Property for special events and activities will be limited to events and activities being hosted by GEHS on the Stacy's Tavern Museum Campus.

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 <u>hardship</u> upon the applicant/owner as distinguished from a mere inconvenience if the strict letter of the Zoning Code were to be carried out:

Without access to storage right next door, GEHS will have to pay for offsite storage. Plus, items will not be as quickly and easily accessible to GEHS staff and volunteers, to the detriment of GEHS activities and programming.

If the Property cannot be used by GEHS for special events and activities, it may be impossible for GEHS to host certain events and some will have to be scaled back.

Unless GEHS can make use of the Property, it will be difficult to justify the costs of maintaining it, especially in today's economic climate for non-profits. As a result, GEHS may have to give up the opportunity to expand the Stacy's Tavern Museum Campus in the future.

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:

Since other properties in the zoning district do not adjoin the Stacy's Tavern Museum Campus along Geneva Road, the conditions upon which this petition is based are not generally applicable.

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 Glen Ellyn Historical Society is a non-profit organization serving the Glen Ellyn community and the variations are requested solely to make the property usable for the Society's current purposes, not for resale.

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.

In 2014 GEHS accepted the gift of the Property intending it remain a single-family residence until funding became available to redevelop the Property to extend the visitor experience at Stacy's Tavern Museum and provide additional storage for GEHS. To that end, the Society's Executive Director moved into the house. In 2018, the circa 1800s house was found to be contaminated with mold and the ED had to move out. Given the cost of mold remediation and the underlying structural issues, GEHS has decided to demolish the house. But GEHS did not cause the problems with the building.

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.

On the contrary, the proposed variations will allow GEHS to make use the Property, on a limited basis, which will benefit public welfare, as GEHS exists to serve the community.

6. Provide evidence that the proposed variation will not:

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

No structures are being built or added to, so the supply of light and air to adjacent properties will not be affected.

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

No new structures or uses are proposed that would increase fire and other hazards to the property or adjacent properties.

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

Nothing about the proposed variations will impair the public health, safety, comfort, morals or general welfare of the residents of Glen Ellyn. On the contrary, the demolition of the house will be an improvement, as it is currently uninhabitable for health and safety reasons.

d. Diminish or impair property values within the neighborhood;

While GEHS would like to hold onto the Property because it allows it the option to expand the Museum Campus in the future, there are no restrictions preventing the Society from selling the property, as funding and other needs require. It is therefore not in the Society's interest to do anything to diminish or impair property values in the area.

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

Most access to the Property will be on foot, from the adjacent Stacy Tavern Museum Campus properties.

f. Create a nuisance; or

GEHS has been a good neighbor for over 50 years and nothing resulting from the proposed variations should alter this. The owners of the residential properties adjoining the Property have consented to the requested variances (copies attached as Schedule "E")

g. Results in an increase in public expenditures.

The proposed variations will not result in an increase in public expenditures. GEHS, a non- profit entity separate from the Village of Glen Ellyn, retains ownership of the Property and the responsibility for maintaining it.

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

GEHS would not have accepted the gift of the Property if it could not use it for Society purposes. The organization has neither the financial capability nor reason to rebuild the residence that now has to be demolished because of mold and underlying structural issues. But once the house is gone, without the proposed variations the Property will be unusable to GEHS. The variations will allow the organization limited use of the Property for storage and special events.

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

8. See attached.

Schedule 'A' - Additional Comments

Schedule 'B' - a parcel view from the Dupage County Maps Portal showing the Property and surrounding parcels

Schedule 'C' - an aerial photographic image from the Dupage County Maps Portal showing the Property and the proximity of the garage and shed to similar structures on adjacent lots

Schedule 'D' - collectively, six photos of the Property, garage and shed

Schedule 'E' - collectively, the consents of the owners of the 4 residential lots adjoining 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.

Date	Print Name	Signature of Applicant
May 13, 2021	Glen Ellyn Historical Society by Suzanne L. Carty	Suzanne Carty

AFFIDAVIT OF AUTHORIZATION

I, N/A owner of the property described as

verify that _____

is duly authorized to apply and represent my interests before the Glen Ellyn Plan Commission, Zoning Board of Appeals and/or Village Board. Owner acknowledges that any notice given applicant is actual notice to owner.

_____
Owner Signature

Subscribed and sworn to before me this

_____ day of _____, 20_____

_____
Notary Public

OWNERSHIP BY A CORPORATION

Date: May 13, 2021

Address: 551 Geneva Road, Glen Ellyn, IL 60137

Legal Description:

The East Half of Lot 1 and the East 25 Feet of the West Half of Lot 1 in Lilley's North Glen Ellyn, a Subdivision of Lot 2 in County Clerk's Assessment Division of Block 1 of P.W. Stacy's Addition Prospect Park, a Subdivision of Part of the South Half of Section 2, Township 39 North, Range 10, East of the Third Principal Meridian, according to the Plat of said Lilley's North Glen Ellyn, recorded April 13, 1921 as Document 147662, in Dupage County, Illinois.

LIST ALL SHAREHOLDERS AND OFFICERS/DIRECTORS (AND % OF INTEREST OWNED IN EXCESS OF 5% OF STOCK)

Name	Address	%
Suzanne Carty	679 N Main St., Glen Ellyn, IL	0
Daniel P Anderson	595 Duane St., Unit 5D, Glen Ellyn, IL	0
Mark Pfefferman	681 Marston Ave., Glen Ellyn, IL	0
Mary Ann Zlowtow	340 Greenfield Ave. Glen Ellyn, IILL	0
Jean Jeske	171 Lowell Ave., Glen Ellyn, IL	0
Mark Lukas	453 Raintree Dr., Unit 3N, Glen Ellyn, IL	0
Jim Manak	421 Ridgewood Ave., Glen Ellyn, IL	0
Lee Marks	475 Hawthorne Blvd., Glen Ellyn, IL	0
Maria Bakalis	84 Waters Edge Ct., Glen Ellyn, IL	0
		0
		0

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OWNERSHIP BY LAND TRUST

Date: _____

Address: N/A

Legal Description:

TRUSTEE: _____ TRUST NO. _____

Address: _____

LIST ALL BENEFICIARIES:

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Affidavit Affirming No Conflict of Interest

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

1. My name is Suzanne Carty, and I hold the position of President, Board of Directors for Glen Ellyn Historical Society ("***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: Suzanne Carty

Title: President, Board of Directors

Applicant's Name: Glen Ellyn Historical Society

Subscribed and sworn to me this

13th day of May, 2021.

Notary Public

OFFICIAL SEAL
LINDSEY KAMINSKY
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires 08/18/2024

X:\Plandev\PLANNING\FORMS\Zoning Variation Request Packet FILLABLE 01062020 lg.doc

Schedule "A"
Address: 551 Geneva Rd., Glen Ellyn, IL

8. Additional Comments

The Glen Ellyn Historical Society ("GEHS') is a not-for-profit corporation organized in 1969 for the purpose of preserving and promoting the history of Glen Ellyn. In the early days it was charged with restoring the circa 1846 Stacy's Tavern and converting it to a museum. But the Society's role has grown considerably since then. The Museum Campus now includes the History Park at Main St. and Geneva Rd. (including Ward Plaza which provides a welcoming entrance to the north end of Glen Ellyn) and the History Center at 800 N Main St., which houses the Society's offices, archive and artifact storage, a community meeting room where programs are offered and items of Glen Ellyn history displayed, as well as the Glen Ellyn Center for Historical Research and Stacy's Corners Store gift shop.

As the Society's role in the community has grown and GEHS become the repository of more and more items of Glen Ellyn history, storage has become an issue. In addition to the cost, offsite storage is a problem because most items need to be easily accessible to staff and volunteers for research and education. The Society has partial use of the garages at the back 810 N Main St; however, these are quite old and mouse infested.

In contrast, the garage at 551 Geneva, which is right next to the Museum and around the corner from the History Center, is relatively new and clean, without rodent issues.

GEHS continues to operate Stacy's Tavern Museum for the village and it has long been the dream of those involved that the museum facility be expanded, to include the agricultural aspect of life in the 1840s. Because without that, the story is not complete. The people who first settled in the area were farmers. Even the Stacys, for whom the Tavern was simply a sideline.

In 2014 the Property was donated to GEHS, giving it the option to one day incorporate the parcel into the Museum Campus and erect a period barn or other structure to focus on Glen Ellyn's agricultural heritage and provide storage.

Funds were not then available for developing the Property, but it was felt that the short term uses of the Property for GEHS would justify the expense of keeping it to achieve long term goals. It has always been recognized, however, that it may be in the Society's best interest at some point to sell the Property and take the proceeds.

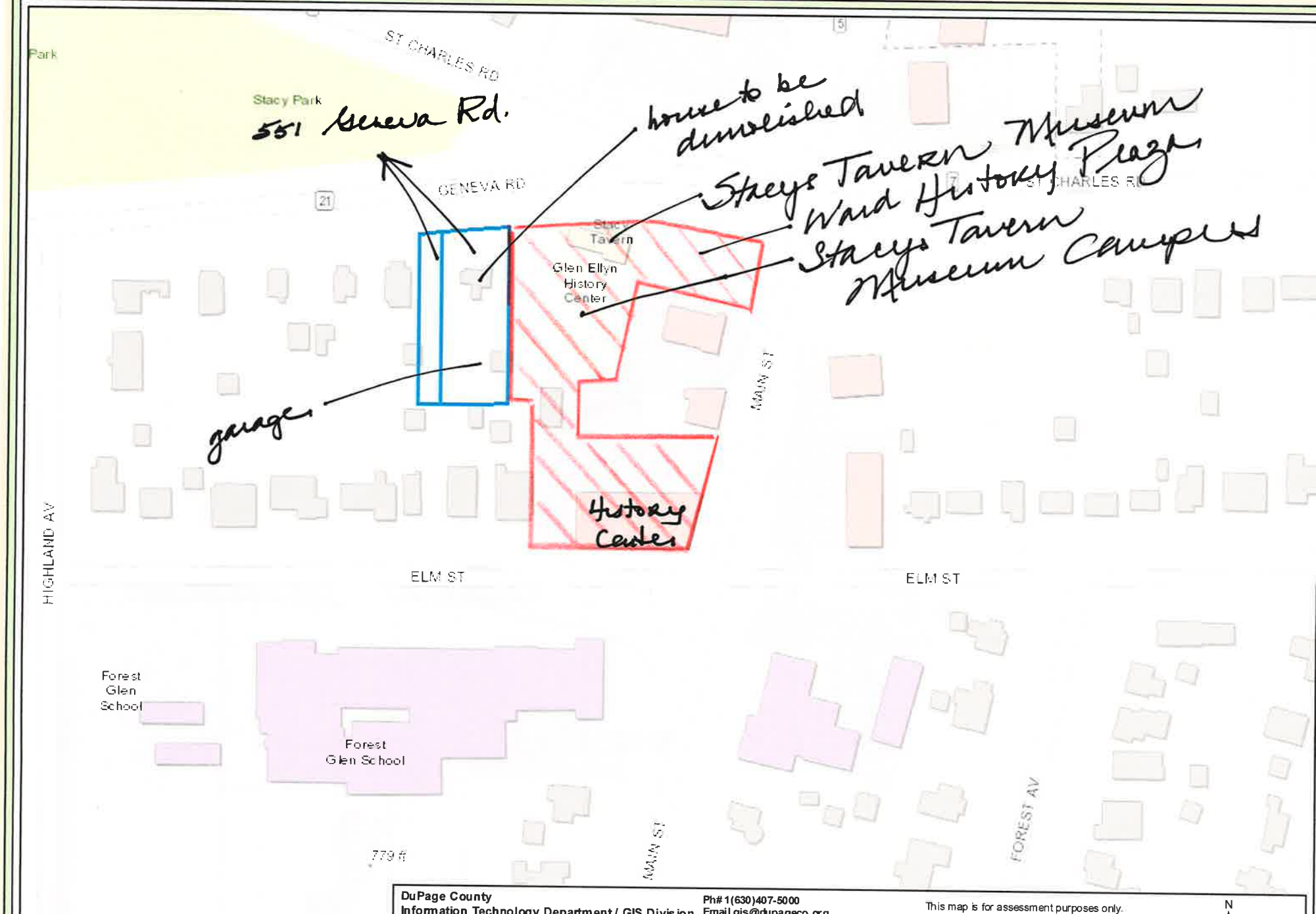
GEHS is funded by private donations. It still cannot afford to develop the Property and incorporate it into the Museum Campus. The past couple of years have been particularly difficult for the Society, with first the mold in the house on the Property which led to the decision to demolish, then the devastating flood of the History Center which diverted time and money to recovery efforts and now Covid, which has affected operations and our volunteer base.

GEHS is requesting the proposed variations to allow it reasonable use of the Property while keeping open options for the future, whether it be to sell or incorporate the Property into the Stacy's Tavern Museum Campus.

"B"

ArcGIS Web Map

DuPage Web Mapping Application - DuPage County, Illinois



DuPage County
Information Technology Department / GIS Division
421 N County Farm Rd.
Wheaton, IL 60187

Ph# 1(630)407-5000
Email gis@dupageco.org
DuPage Maps Portal :
http://dupage.maps.arcgis.com/home

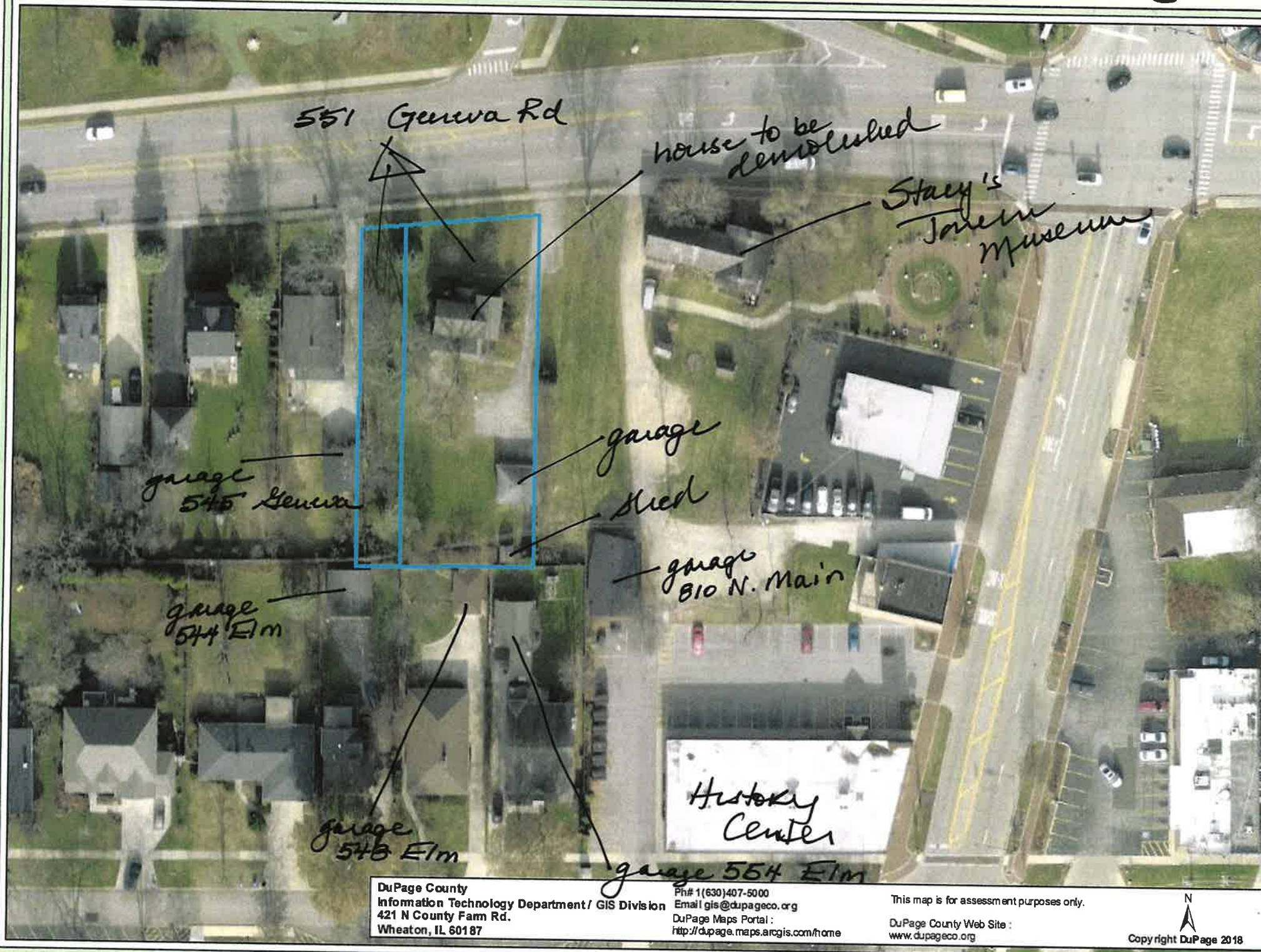
This map is for assessment purposes only.

DuPage County Web Site :
www.dupageco.org

N

Copyright DuPage 2018

"C"



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www.dupageco.org

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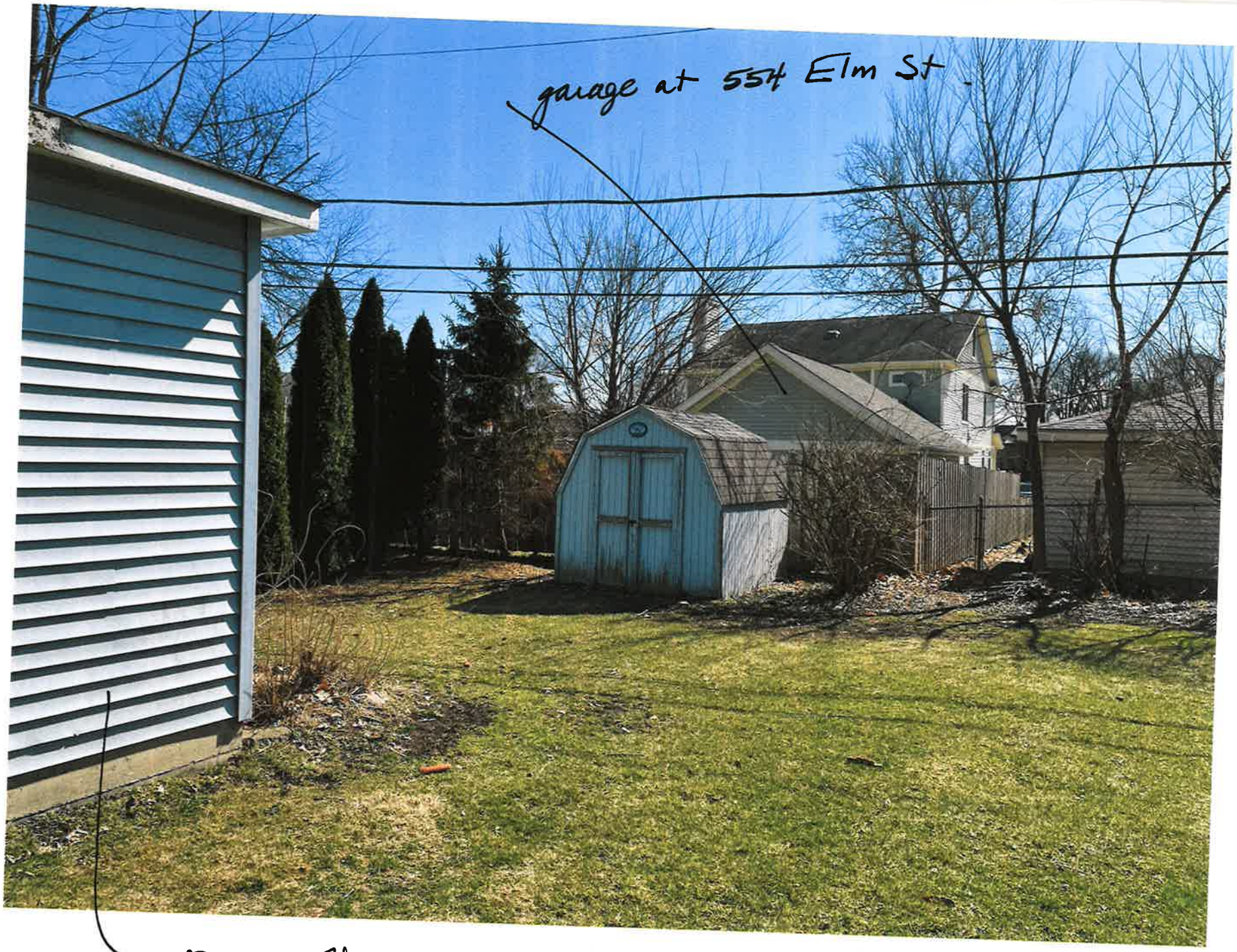
'D'

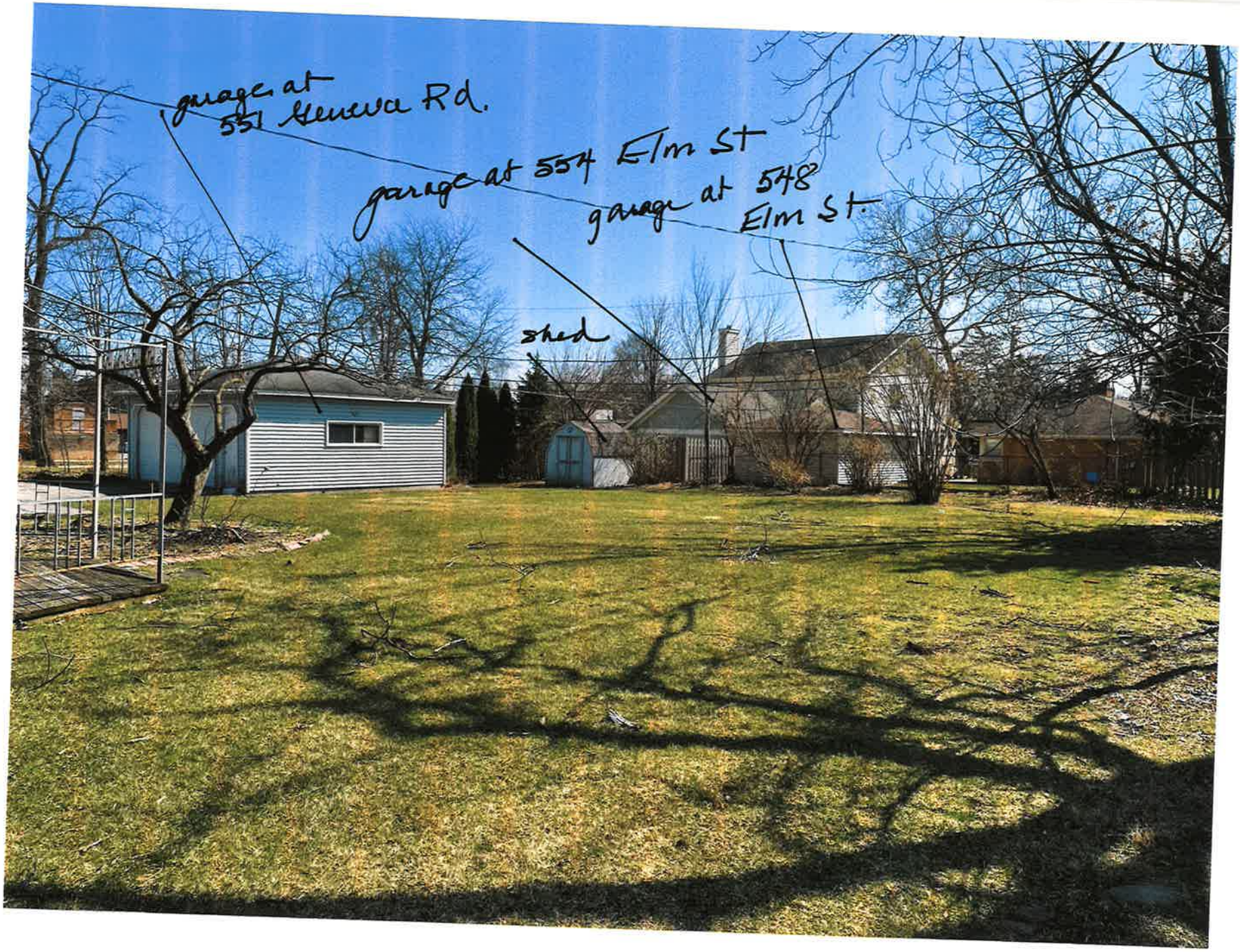
551 Geneva Rd.

garage at
810 N. Main
garage at
551 Geneva Rd

557 Geneva Rd.


garage at 554 Elm St
garage at 551 Geneva Rd
Shed at 551 Geneva Rd.

garage at 544 Elm St
garage at 548 Elm St.
garage at 545 Geneva Rd
garage 551 Geneva Rd.


garage at
551 Geneva Rd.
garage at 554 Elm St
garage at 548
Elm St.
shed

Affidavit Affirming No Conflict of Interest

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

1. My name is Suzanne Carty, and I hold the position of President, Board of Directors for Glen Ellyn Historical Society ("***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: Suzanne Carty

Title: President, Board of Directors

Applicant's Name: Suzanne Carty

Subscribed and sworn to me this

13th day of May, 2021.

Notary Public

OFFICIAL SEAL
LINDSEY KAMINSKY
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires 08/18/2024

X:\Plandev\PLANNING\FORMS\Zoning Variation Request Packet FILLABLE 01062020 lg.doc

To: The Glen Ellyn Zoning Board of Appeals
The Glen Ellyn Village Board

Re: The property at 551 Geneva Rd. owned by the Glen Ellyn Historical Society

We, George Iain and Jo Ellen Dickie, are the owners of the property at

545 Geneva Road, Glen Ellyn, IL 60137

which adjoins the property at 551 Geneva Road, Glen Ellyn, Illinois.

We support the application by the Glen Ellyn Historical Society for the following variations:

1. after the house is demolished, to allow the existing garage and shed to remain on the grounds of 551 Geneva Road, and

2. to allow the Glen Ellyn Historical Society to use the garage and shed for the storage of artifacts, files, and other possessions, and

3. to allow the Glen Ellyn Historical Society to use the outdoor space at 551 Geneva Road for special events and activities, as permitted by the regulations of the Village of Glen Ellyn.

Signed:

George Iain Dickie

Jo Ellen Dickie

Date: 3·28·2021

To: The Glen Ellyn Zoning Board of Appeals
The Glen Ellyn Village Board

Re: The property at 551 Geneva Rd. owned by the Glen Ellyn Historical Society

We, Matthew and Melissa Besler, are the owners of the property at

554 Elm St., Glen Ellyn, IL 60137

which adjoins the property at 551 Geneva Road, Glen Ellyn, Illinois.

We support the application by the Glen Ellyn Historical Society for the following variations:

1. after the house is demolished, to allow the existing garage and shed to remain on the grounds of 551 Geneva Road, and

2. to allow the Glen Ellyn Historical Society to use the garage and shed for the storage of artifacts, files, and other possessions, and

3. to allow the Glen Ellyn Historical Society to use the outdoor space at 551 Geneva Road for special events and activities, as permitted by the regulations of the Village of Glen Ellyn.

Signed:

Matthew Besler

Melissa Besler

Melissa Besler

Date: 4/17/21

I would like this property to stay residential in the case that the Hist Soc. were to sell it.

There are acouple of dead trees on the property, but please keep all other greenery.

To: The Glen Ellyn Zoning Board of Appeals
The Glen Ellyn Village Board

Re: The property at 551 Geneva Rd. owned by the Glen Ellyn Historical Society

I, Jacqueline Monaco, am the owner of the property at

548 Elm St., Glen Ellyn, IL 60137

which adjoins the property at 551 Geneva Road, Glen Ellyn, Illinois.

I support the application by the Glen Ellyn Historical Society for the following variations:

1. after the house is demolished, to allow the existing garage and shed to remain on the grounds of 551 Geneva Road, and

2. to allow the Glen Ellyn Historical Society to use the garage and shed for the storage of artifacts, files, and other possessions, and

3. to allow the Glen Ellyn Historical Society to use the outdoor space at 551 Geneva Road for special events and activities, as permitted by the regulations of the Village of Glen Ellyn.

Signed:

Jacqueline Monaco

Jacqueline Monaco

Date: April 19, 2021

To: The Glen Ellyn Zoning Board of Appeals
The Glen Ellyn Village Board

Re: The property at 551 Geneva Rd. owned by the Glen Ellyn Historical Society

We, Michael and Grace Gillian, are the owners of the property at

544 Elm St., Glen Ellyn, IL 60137

which adjoins the property at 551 Geneva Road, Glen Ellyn, Illinois.

We support the application by the Glen Ellyn Historical Society for the following variations:

1. after the house is demolished, to allow the existing garage and shed to remain on the grounds of 551 Geneva Road, and

2. to allow the Glen Ellyn Historical Society to use the garage and shed for the storage of artifacts, files, and other possessions, and

3. to allow the Glen Ellyn Historical Society to use the outdoor space at 551 Geneva Road for special events and activities, as permitted by the regulations of the Village of Glen Ellyn.

Signed:

* As Long As Kept Residential

Michael Gillian

Grace Gillian

Date: 5-20-2021

QUIT CLAIM DEED
STATUTORY (ILLINOIS)

THE GRANTOR, Daniel P. Anderson, of the Village of Glen Ellyn, County of DuPage, State of Illinois for and in consideration of TEN DOLLARS, in hand paid, CONVEYS and QUIT CLAIMS to Glen Ellyn Historical Society, an Illinois not-for-profit corporation of Glen Ellyn, Illinois

FRED BUCHOLZ
DUPAGE COUNTY RECORDER
NOV.17,2014 RHSP 11:37 AM
QCD $40.00 05-02-322-016
002 PAGES R2014-108195

RECEIVED
MAY 14 2021
VILLAGE OF GLEN ELLYN

all interest in the following described Real Estate situated in the County of DuPage in the State of Illinois, to wit:

THE EAST HALF OF LOT 1 AND THE EAST 25 FEET OF THE WEST HALF OF LOT 1 IN LILLEY'S NORTH GLEN ELLYN, A SUBDIVISION OF LOT 2 IN COUNTY CLERK'S ASSESSMENT DIVISION OF BLOCK 1 OF P.W. STACY'S ADDITION PROSPECT PARK, A SUBDIVISION OF PART OF THE SOUTH HALF OF SECTION 2, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID LILLEY'S NORTH GLEN ELLYN, RECORDED APRIL 13, 1921 AS DOCUMENT 147662, IN DUPAGE COUNTY, ILLINOIS.

Permanent Real Estate Index Number(s): 05-02-322-016 and 05-02-322-017
Address(es) of real estate: 551 Geneva Road, Glen Ellyn, Illinois 60137

Exempt under provisions of paragraph E, Section 3145 property tax code.

DATED this 24th day of October, 2014

RECORDER DUPAGE COUNTY, IL
I certify that this is a copy of an instrument recorded in my office.
Kathleen Carrier
Kathleen Carrier
DuPage County Recorder
Date: 2/16/2021
Deputy: PAK

By: Daniel P. Anderson

State of Illinois, County of DuPage ss. I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Daniel P. Anderson, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal, this 24th day of Oct., 2014

Commission expires Jan. 27, 2015 Lynda Barker
Notary Public

This instrument was prepared by: John R. Zemenak, RATHJE & WOODWARD, LLC, 300 E. Roosevelt Rd., Wheaton, IL 60187

"OFFICIAL SEAL"
LYNDA BARKER
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 1/27/2015

FRED BUCHOLZ R2014-108195 DUPAGE COUNTY RECORDER

Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting 7/26/2021 7:00 PM
Department: Public Works
Department Head:
Category: Contract
Prepared By:

AGENDA ITEM (ID # 2021-1260)

DOC ID: 2021-1260

Authorize the Village Manager to Execute a One Year Extension to the Existing Contract with B&B Holiday Decorating LLC of Des Plaines, IL for Holiday Decorations in a Not-to-Exceed Amount of $38,000, to be Expensed to the General Fund (Public Works Director Buckley)

Statement of the Issue:
For approximately 18 years, the Village has contracted out the Central Business District (CBD) Holiday Decorations. CBD decorations include the installation of mini-lights on 75-85 trees and holiday decorations on over 230 street light poles. Decorations were expanded to include street light pole decorations on 37 poles at Stacy's Corner in 2007 and lighting the exterior of the train station in 2012. Public Works also installs a 20 foot artificial tree (most recently purchased in 2017) at the intersection of Main and Crescent. This tree is professionally decorated every 3-4 years, dependent on how ornaments weather the winter elements.

14 of the last 16 years, Glen Ellyn has received favorable reviews on the holiday decorations. Those fourteen favorable years started with McFarlane Douglass for the first year as the contractor and continued for seven years with the McFarlane Douglass project manager who went on to form her own company, TerraScape Designs. This was followed by another three years with McFarlane Douglass, followed by three years with the current contractor, B&B Holiday Lighting. Past RFPs have included progressively more direct language to acquire the decorative look and feel the Village wishes to achieve; included in the RFP were photo images of the desired look as well as detailed requirements for lights, garland, and bows. Decorating Glen Ellyn for the holidays requires both technical ability as well as design flair to drape the lights in the trees to achieve maximum effect while staying within the limited electrical ability of the CBD. B&B Holiday Decorating did an excellent job meeting Glen Ellyn standards with tree canopy lighting and was responsive when needed for repairs due to multiple variables that impact light strands draped in trees. The past 14 years has provided an excellent template for Glen Ellyn to follow for future holiday lighting.

A presentation was made to the Village Board regarding holiday decoration options (LED vs.

Traditional and wrapped vs. draped) in the spring of 2014. At that time, the Village Board recommended staying with traditional lights being draped in the trees due to prohibitive costs. In 2018 Public Works included an alternate option to have all trees lit with LED lights as the cost for LED lights had moderated significantly due to prevalent holiday use and advancements in LED technology.

In 2015, Glen Ellyn approached the City of Wheaton who was sending out a bid for Holiday Decorations for the first time, to craft one document that would serve both communities. Once the document was completed, Glen Ellyn determined that the scope of work was too different between the communities to realize any true economies of scale and could work against project deadlines being met. Glen Ellyn Public Works went out to bid for this project on its own, but continues to pursue cost saving measures when available and practical.

Rather than asking for a yearly price for each of the three individual years of the contract, the RFP asked for a yearly total that would remain static for the three year contract. This change in language was an effort to curb the natural tendency of vendors to increase costs on a yearly basis when quotes are required for each individual year of the contract. Also included was an alternate bid that provided for all of the tree lighting to be LED.

The rationale for the LED alternate bid was based on multiple issues. Some trees in the past (north side of Crescent between Main and Forest, and the two tree in front of the Civic Center) have been LED for the past 10 years. This was due to power limitations in those locations, the size of the trees being decorated and the power draw difference between LED and traditional incandescent lighting which occasionally tripped circuit breakers. The LED lighting used was a warm white color matching the color of the incandescent with little difference distinguished by the eye. With the upgrade to LED streetlights in the CBD over the last two years, there was a GFI power outlet installed on every pole; the old outlets did not have GFIs. While the LED streetlight project expanded the power supply footprint, it also created issues with traditional light strands tripping the GFI's during rain events as the traditional lights are not waterproof and draw more power than LED. The alternate bid allowed Public Works to assess the difference in cost between LED and incandescent and determine the best lighting solution for the CBD trees.

B&B Holiday Decorating LLC provided the low quote in 2018 (bid tab attached). They had not quoted this project in the past as they were newer to the industry but the references contacted (City of Des Plaines, Village of Hinsdale, Carol Stream Park District and Randhurst Village) provided acceptable feedback sharing the company is very professional and provided quality work of similar scope to the Glen Ellyn RFP. Public Works talked with B&B Holiday Decorating about the expectations for the decorations and the importance the decorations hold for the residents of the village. B&B Holiday Decorating completed the specifications of the RFP to Glen Ellyn's expectations.

The previous contract (2015-2018) cost was $36,059 ($108,177 for three years) for a holiday decoration contract. This was not for LED lighting on all of the trees. B&B Holiday

Decorating's quote of $35,981 ($107,983 for three years) realizes no increase over last year's contract cost; this quote includes the purchase of LED lights, repairing any lights on Main St by April 30 so that these lights can remain lit during the summer event season, and is the same yearly cost for 3 years.

Analysis:
Sending out an RFP for another three year contract is not a simple process due to the planned CBD Streetscape project. Included in the Streetscape project is the removal of current trees in each phase of the project and planting new trees in same and additional locations. Holiday Decorations in the CBD will be impacted by each phase. This streetscape project was deferred first from 2020 to 2021, and then again from 2021 to 2022. The first deferral provided for the completion of the full three year Holiday Decorations contract (ending in 2020/2021). Public Works planned to put out an RFP for a three year contract this year that would incorporate the changing decorating requirements matching the removal of trees in the CBD in a phased manner. The difficulty in both detailing the scope of work and contractors providing an accurate cost is due to the changing size of tree canopies in the CBD; cost is based on the number of strands of lights which is based on the size of the tree. The number of trees in each size category will change each season. Staff plans to form a Holiday Decoration team by the end of the year from multiple departments/entities to strategize the aesthetics and logistics of holiday decorations during and after the CBD Streetscape project

Staff determined that it would be cost effective, with the least amount of impact to decoration quality, to extend the current contract rather than seek a new 1 year contract, with possibly a new vendor not familiar with Glen Ellyn specifications and standards. B&B Decorating has proven to be a reliable contractor with excellent results and no complaints. B&B Decorating also assisted the village this winter with decorations for the Polar Plaza in a cost efficient manner. B&B Holiday Decorating has agreed to a 3% increase in the yearly cost for the 1 year extension; this is in light of the three years that have passed since the last yearly cost proposal. The previous yearly cost was $35,981; the cost for the 1 year extension is $37,060.43. The 1 year extension cost is $2,840 less than the next lowest bid from the 2018 RFP.

Budget Impact:
$38,000 was budgeted in the 2021 budget for Holiday Decorations. As holiday decorations require in-field adjustments and possible additions of trees and streetlight poles for aesthetic purposes, a 2.5% contingency increasing the contract amount is requested. The not to exceed amount of $38,000 (including a 2.5% contingency) will be expensed to the General Fund – Economic Development – 126500-520310.

Action Requested:
Authorize the Village Manager to execute a 1 year extension to the existing contract with B&B Holiday Decorating LLC of Des Plaines, IL for Holiday Decorations in a not to exceed amount of $38,000 expensed to the Economic Development Fund.

Attachments:

1. Seasonal Decorations 2018 RFP Tabulation Form
2. 2018 - 2021 Seasonal Decorations RFP - B&B Holiday Decorating

			Alternate	
Vendor	**Yearly Total**	**3 Year Total**	**Yearly Total**	**3 Year Total**
B&B Holiday Decorating	$35,081.00	$105,243.00	$35,981.00	$107,943.00
McFarlane Douglass	$44,859.00	$134,577.00	$51,359.00	$154,077.00
Landscape Concepts Mangement	$39,500.00	$118,500.00	$39,900.00	$119,700.00

REQUESTS FOR PROPOSAL

2018/19, 19/20, and 20/21 Seasonal Decorations

Prepared by:

Village of Glen Ellyn
Public Works Department
30 South Lambert Road
Glen Ellyn IL, 60137

VILLAGE CLERK
VILLAGE OF GLEN ELLYN

A. Request for Proposal

1. The Village of Glen Ellyn will accept requests for proposal through **July 6, 2018** for **Seasonal Decorations** during the period from **October 15** through **May 15 of the 2018/19, 2019/20 and 2020/21 seasons.**

2. This work consists of:

   Supplying the necessary materials, equipment, and labor to install, maintain, and remove lighting decorations on approximately **77 trees.** The work also includes supplying, installing, maintaining and removing decorative elements on approximately **231 street light poles**. It also includes decorating the roof line of the Glen Ellyn Train Station

3. RFP packets are available at the Public Works Offices, 30 South Lambert Road, Glen Ellyn, IL 60137, Monday through Friday, 7:00 a.m. to 3:30 p.m.

   The Village staff contact is: Dave Buckley, Assistant Public Works Director, Glen Ellyn Public Works, 30 S. Lambert Rd., Glen Ellyn, IL 60137, and (630) 547-5513.

4. Proposals for Seasonal Decorations in the Village of Glen Ellyn, Illinois, will be received until **10:00 AM on July 6, 2018**. All proposals shall be submitted at the Glen Ellyn Civic Center, 535 Duane St, Glen Ellyn, Illinois 60137, in an opaque, sealed envelope clearly labeled to identify the company and the project and marked **"2018/19, 2019/20 and 2020/21 SEASONAL DECORATIONS RFP - DO NOT OPEN" .**

5. All proposals shall be submitted on the form provided by the Village.

6. The Village reserves the absolute right in its sole discretion to accept a proposal, if any, which will best serve the public interest.

7. All proposals will remain subject to acceptance for 90 days after July 6, 2018.

   Dated: June 15, 2018

B. Instructions to Contractors

2018/19, 2019/20 and 2020/21Seasonal Decorations
For the Village of Glen Ellyn
Public Works Department

1. The Village of Glen Ellyn will accept proposals for **2018/19, 2019/20 and 2020/21 Seasonal Decorations** during the period from **October 1, 2018** through **May 15, 2021**.

2. Scope of Work

   Over the years, the Village of Glen Ellyn has decorated for the holiday season. It is the desire of the Village to decorate light poles and trees in the **Central Business District and "5 Corners"** area with evergreens, and other holiday decorations. The contract awarded will provide for the 2018/19, 2019/20 and 2020/21 holiday season. Pricing shall include all material, installation, and removal of decorations.

   The work done under this proposal for decorations of light poles, trees and the train station shall be done according to the following specifications. Installation of all seasonal decorations must be completed **by the Friday before Thanksgiving** in each of the specified seasons.

   The successful bidder must carry full insurance coverage and provide a Certificate of Insurance to the Village, outlining coverage and naming the Village of Glen Ellyn as an additional insured.

   Services to include: coordination with the Village of Glen Ellyn and the Glen Ellyn Chamber of Commerce, with regard to electrical requirements and sources.

   Provide 24-hour response to maintenance calls. Any decoration or light strings not operating or that need to be reinstalled in any tree or pole due to natural causes will be done free of charge. Vandalized lights/decorations will be repaired/replaced at Village expense.

   It is possible there may be a request to decorate additional trees at a price agreed upon by the contractor and Village.

3. The Contractor shall supply all labor, equipment and supervision to perform the work specified herein.

4. The Contractor shall supervise and direct the work using his best possible skill and attention. He shall be solely responsible for all licenses, permits, insurance, techniques and procedures for coordinating all portions of the work under this proposal.

5. This agreement shall commence on **October 1, 2018 and will end on May 15, 2021.** The Village, at its option, may extend this Agreement for an additional year if Contractor holds firm to the original proposal prices, conditions and specifications.

6. The Village staff contact is: Dave Buckley, Assistant Public Works Director, Glen Ellyn Public Works, 30 S Lambert Rd., Glen Ellyn, IL 60137, (630) 469-6756.

7. All proposals will remain subject to acceptance for 90 days after the bid opening.

8. Return all pages of this proposal by 10:00 AM on **July 6, 2018** for consideration to the designated address in section A.

9. INSURANCE REQUIREMENTS

9.1 The Contractor shall not commence work under the Contract until all the insurance required under the Contract has been obtained. Certificates of Insurance showing coverage as required to be in effect will be filed with the Village at the time of entering into the Contract. Certificates of insurance will be on Insurance Service Office (ISO) Form and shall provide the coverage provided cannot be canceled or amended without thirty (30) days prior written notice to Village. The certificates will be signed by the insurance companies or their authorized agents. The insurance companies must be authorized to do business in the State of Illinois. All insurance shall be provided in companies which are rated at least A6 by the Bests Rating Service provided, however, that the Village may, in writing, waive this requirement.

9.2 The Contractor shall maintain in force the coverage required in this section for the term of the Contract. Also, the Contractor shall not allow any subcontractor to commence work on any portion of the project without evidence that the subcontractor has insurance coverage equal to the coverage required in this section.

9.3 The minimum amounts of insurance shall be as follows:

A. Worker's Compensation - Statutory Limits

Employer's Liability - $1,000,000 Bodily Injury per Person

B. Comprehensive Automobile Liability

$1,000,000 Combined Single Limit

If requested by Village, the Contractor will be required to provide prior three (3) year loss history for automobile liability.

C. Comprehensive General Liability

Policy shall include coverage for Premises and Operations, Completed operations, Broad Form Blanket Contractual Liability, Broad Form Property

Damage including Completed Operations and Personal Injury Liability. Where the hazard exists, the coverage shall protect against claims of explosive, collapse, or underground damage.

1. $1,000,000 Bodily Injury per Occurrence Limit

2. $2,000,000 Bodily Injury Aggregate Limit

3. $1,000,000 Property Damage per Occurrence

4. $2,000,000 Property Damage Aggregate Limit

D. Umbrella Coverage

1. $1,000,000 per Occurrence Aggregate Limit

For coverage (b) through (d) the Village and its officers and employees shall be named as additional insured.

10. RESTORATION

Whenever public or private property is damaged or destroyed, the CONTRACTOR shall at his own expense, restore such property to a condition equal to that existing before such damage or injury was done by repairing, rebuilding, or replacing it as may be directed, or he shall otherwise make good such damage or destruction in an acceptable manner. If he fails to do so the OWNER may, after the expiration of a period of 48 hours after giving him notice in writing, proceed to repair, rebuild, or otherwise restore such property as may be deemed necessary, and the cost thereof shall be deducted from any compensation due, or which may become due the CONTRACTOR under his CONTRACT.

11. FINAL ACCEPTANCE

Acceptance of work shall be made upon successful completion of the decoration installation and shall be to the satisfaction of the Village.

12. PAYMENT PROCEDURES

12.1 The work will be paid for at the contract price. Before payment for completed work will be processed, the Village will inspect the job sites.

12.2 Payment will be made to the CONTRACTOR within 4 weeks of receipt of billing for services rendered which invoice will include waivers of lien and authorization from the appropriate department of the Village that all work has been satisfactorily completed. The first payment of 75% of the contract will be paid after installation approval and a final payment of 25% after approved removal of decorations and approved lighting of Main St for the summer event season.

13. WAGE AND LABOR REQUIREMENTS

In calculating its bid hereunder, Contractor is advised that the Illinois Prevailing Wage Act may apply to the work set forth hereunder and to the Contractor. Accordingly, to the extent that the Act applies, Contractor shall comply with the provisions of the Act. Failure of Contractor to comply with the Act, including, but not limited to the inspection of records, and any rules or regulations promulgated by the State of Illinois with regard to the Act, can result in the cancellation of the Contract. Contractor expressly waives any right for recovering damages due to such Contract cancellation. Contractor's bonds shall include such provision and will guarantee the faithful performance of such prevailing wage clause as provided by this contract. Contractor shall maintain accurate records of the names, occupations, and wages paid to each laborer, worker, and mechanic employed in connection with the work and either file certified payroll, as required by the Act, or a letter setting forth the reasons for why Contractor is excused from having to file certified payroll with the District.

14. CONTRACTOR'S STATUS

The Contractor expressly understands and agrees that he (it) is an independent Contractor and he (it) is not an employee of the Village of Glen Ellyn, and the Village is not to provide Worker's Compensation, health or accident insurance, general liability insurance or any other form of insurance coverage of any kind which would cover the Contractor or his (its) employees in and under the terms of this agreement.

15. CONTRACTOR'S DUTIES

The CONTRACTOR shall supervise and direct the Work, using his best skill and attention and he shall be solely responsible for all construction means, methods, techniques, sequences and procedures and for coordinating all portions of the Work under the Contract. Unless otherwise specifically provided in the Contract Documents, the CONTRACTOR shall provide and pay for all labor, materials, equipment, tools, construction equipment and machinery, water, heat, utilities, transportation, and other facilities and services necessary for the proper execution and completion of the Work, whether temporary or permanent and whether or not incorporated or to be incorporated in the Work.

The CONTRACTOR shall at all times enforce strict discipline and good order among his employees and those of subcontractors, if allowed, and shall not employ on the Work or permit to be employed any unfit person or anyone not skilled in the task assigned to him. All work will be performed in a business-like manner following reasonable safety procedures and using necessary safety equipment, such as traffic cones and street barricades.

The CONTRACTOR warrants to the OWNER that all materials incorporated in the Work will be new unless otherwise specified, and that all Work will be of good

quality, free from faults and defects and in conformance with the Contract Documents. All Work not conforming to these requirements may be considered defective.

The CONTRACTOR shall be responsible to the OWNER for the acts and omissions of his employees, subcontractors, if allowed, and their agents and employees, and other persons performing any of the Work under a contract with the CONTRACTOR.

16. HOURS OF WORK

No work shall be performed prior to 7:00 AM and shall be completed by 7:00 PM. Extension of working hours needs prior approval from the Village. All inspections by the OWNER'S representative shall be scheduled so that they are accomplished by 3:30 PM. Normal working days shall be Monday through Friday. No work will be permitted on Saturday, Sunday or holidays without prior approval from the Village. The Village reserves the right to request the CONTRACTOR to work on weekends in selected areas, and some weekend work can be expected. Each day that work is to be performed, CONTRACTOR shall notify the Village of the work site and type of work for the day.

17. LIQUIDATED DAMAGES

It is essential that work be completed in a timely fashion. Should CONTRACTOR not complete the work, the OWNER may impose a $500 per calendar day penalty. Such penalty will be deducted from the unpaid balance of any work invoice.

18. TRAFFIC CONTROL

The CONTRACTOR will be responsible for all traffic control, including but not limited to barricades, signs, flagmen, etc., to maintain a smooth flow of traffic through the job sites. The CONTRACTOR shall ensure that all traffic control devices installed by him are operational 24 hours a day including Sundays and holidays. This also applies to barricades placed along the sidewalk to provide warning to pedestrian traffic. Should the Village be required to provide additional or supplemental traffic control devices or barricading for pedestrians the CONTRACTOR shall be charged at the following rates: $18.00 per barricade per day plus a $25.00 delivery and pick-up charge. All barricades shall be D.O.T. class II with reflective striping and either blinking or steady burning lighting.

19. SAFETY

The importance the Village attaches to safety cannot be over emphasized. The Village reserves the right, at its discretion, to disallow payment for any work performed where the proper safety procedures were not being observed.

20. RIGHT TO SUSPEND WORK

The Village reserves the right to suspend the Work, wholly or in part, for such a time as may be necessary, due to conditions as are considered unfavorable for the satisfactory prosecution of the Work; or for such time as is necessary by reason of failure to perform any or the provisions of the proposal, and no additional compensation shall be paid the Contractor because of such suspension.

21. HOLD HARMLESS

To the fullest extent permitted by law, the CONTRACTOR shall indemnify and hold harmless the OWNER and OWNER'S Consultant, and their agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees arising out of or resulting from the performance of the Work, provided that any such claim damage, loss or expense. (1) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the Work itself) including the loss of use resulting therefrom, and (2) is caused in whole or in part by any negligent act or omission of the CONTRACTOR, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right of obligation of indemnity which would otherwise exist as to any party or person described in this Paragraph. In any and all claims against the OWNER or any of its agents or employees by any employee of the CONTRACTOR, any Subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation under this Paragraph shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the CONTRACTOR or any Subcontractor under workers' or workmen's compensation acts, disability benefit acts or other employee benefit acts.

22. LAWS TO BE OBSERVED

The Contractor shall at all times observe and comply with all Federal, State and Local laws, ordinances and regulations which in any manner affect the Work, of legislative bodies or tribunals having legal jurisdiction or authority over the Work, and no plea of misunderstanding or ignorance thereof will be considered.

23. SUBSTANCE ABUSE POLICY

Before the Contractor and any Subcontractor commences work, the Contractor and any Subcontractor shall have in place a written Substance Abuse Policy Prevention Program for the prevention of substance abuse among its' employees which meets or exceeds the requirements in P.A. 95-0635 or shall have a collective bargaining agreement in effect dealing with the subject matter of P.A.95-0635.

The Contractor or Subcontractor shall file with a public body: a copy of the

substance abuse prevention program along with a cover letter certifying that their program meets the requirements of the Act, or a letter certifying that the Contractor or Subcontractor has a collective bargaining agreement in effect dealing with the subject matter of this Act.

24. FREEDOM OF INFORMATION ACT REQUIREMENT

The Contractor agrees to maintain all records and documents for projects of the Public Body in compliance with the Freedom of Information Act, 5 ILCS 140/1 et seq. In addition, Contractor shall produce, without cost to the municipality, records which are responsive to a request received by the Public Body under the Freedom of Information Act so that the Public Body may provide records to those requesting them within the time frames required. If additional time is necessary to compile records in response to a request, then Contractor shall so notify the Public Body and if possible, the Public Body shall request an extension so as to comply with the Act.

In the event that the Public Body is found to have not complied with the Freedom of Information Act, based upon Contractor's failure to produce documents or otherwise appropriately respond to a request under the Act, then Contractor shall indemnify and hold the Public Body harmless, and pay all amounts determined to be due including but not limited to fines, costs, attorneys' fees, and penalties.

C. BID PROPOSAL FORM

FORMS MUST BE COMPLETED IN INK OR TYPEWRITTEN. SIGNATURES MUST BE SIGNED IN INK AND NAME SPELLED OUT BELOW SIGNATURE

Supply necessary materials, equipment, and labor to install, maintain, and remove lighting decorations on approximately 85 trees. All trees must be decorated by use of a bucket truck where the lighting decorations stretch from the top to the bottom of each individual tree canopy while maintaining a balanced distribution of lights throughout the tree. Light sets are to be installed so that they wrap the first 3-5ft of the limbs above the trunk and then are weaved through the tree and stretched to their maximum length. Only dark colored extension cords are to be used. Supply, install, maintain, and remove red velvet bows, and live evergreen rope on approximately 231 street light poles. Supply, install and maintain rope and icicle lighting on roof line of Glen Ellyn train station (Sample photos of trees, light poles and train station design is attached)

1. STANDARD BID - Provide, install, and maintain 1200 UL (900 incandescent and 300 LED warm white), lamp locking exterior miniature light sets (50 bulbs per set with a minimum 6" spacing between bulbs) in approximately **77** trees wrapping limbs for 3-5' above the trunk and then draping tree canopy (noted with dots, including tree heights, on attached map). All lights to be installed by the Friday before Thanksgiving and those scheduled for removal between March 1-11 during each of the three seasons in the contract, but not before.
   A. LED lights (warm white to match other tree lights) will be used on trees on the north side of Crescent Blvd between Main and Forest as well as on the trees on Duane St in front of the Civic Center (535 Duane). It is expected that LED lights will be reused during the contract terms.
   B. Lights on Main St trees from Hillside to Anthony will remain up for the entire year. These tree lights need to be in complete working order by May 15th of each year to be used for downtown events. Removal can occur after September 15th or at the time of the next season's installation.
2. ALTERNATE LIGHTING BID (REQUIRED AS PART OF BID) – Same details as #1, except all tree lighting is one piece molded bulb construction commercial grade LED. (Due to installation of GFI outlets on all CBD streetlights in 2017, 2017/18 experienced GFIs tripping during rain events). The purpose of this alternate bid is to not have the GFI tripped during the season due to moisture wicking through the light strands.
3. STANDARD AND ALTERNATE BID - Provide, install and maintain live evergreen garland (Cedar and Douglas Fir mix), and red velvet bows on **231** light poles to the following specifications:
   A. One hundred seventy eight (177) 11-foot poles, thirty seven (37) 14 foot poles, and seventeen (17) 16-foot poles.
   B. The poles will be wrapped in a spiral fashion with live evergreen roping at a minimum of 6-inches in diameter. Installation timing must consider the life of the greens.
   C. Two bows, made with #40 outdoor red velvet with gold backing, will be mounted on each pole. Each bow should have 3 loops, with one 3.5 to 4 foot streamer (7 yards total) and placed on the top of each decorated section. The streamer should be secured into the garland.

D. Include the cost of labor to decorate the poles which must be completed the Friday before Thanksgiving and removed January 1-11 during each of the three seasons of the contract.

4. STANDARD AND ALTERNATE BID - Provide, install and maintain rope and icicle LED lighting on the Glen Ellyn Train Station. Rope lighting outlines roof line and eaves of entire train station and LED Icicle lights hang from the entire roof edge per attached design.

Standard Bid (Incandescent and LED) (Required)	**Pricing per Season**
Lighting 77 trees and removal of lights (other than Main St.) and storing LED lights	$ $21,608
Decorating 231 light poles and removal of materials	$ $11,942
Lighting train station (LED) and removal and storage of materials	$ $1,531
Total per Season	$ $35,081
X 3 Seasons	
Total 3 Year Contract Cost	$ $105,243

Alternate (all tree lights are LED) (Required)	**Pricing per Season**
Lighting 77 trees and removal of lights (other than Main St.) and storing LED lights	$ $22,508
Decorating 231 light poles and removal of materials	$ $11,942
Lighting train station (LED) and removal and storage of materials	$ $1,531
Total per Season	$ $35,981
X 3 Seasons	
Total 3 Year Contract Cost	$ $107,943

VILLAGE CLERK
VILLAGE OF GLEN ELLYN
AM 1 2 3 4 5 6 7 8 9 10 11 12 PM 1 2 3 4 5 6 7 8 9 10 11 12 AM

E. NOTICE OF AWARD

TO: B&B Holiday Decorating, LLC
(CONTRACTOR)

160 Touhy Ct, Des Plaines IL 60018
(Address)

SERVICES DESCRIPTION:

The Village has considered the proposal submitted by you for the above described SERVICES in response to Request for Proposal dated July 6, 2018.

You are hereby notified that your PROPOSAL has been accepted for services in the amount of $_____

You are required by the Instructions to Contractors to execute the Contract and furnish the required certificates of insurance within fifteen (15) calendar days from the date of this Notice to you.

If you fail to execute said Contract and to furnish said certificates and bond within fifteen (15) days from the date of this Notice, the Village will be entitled to consider all your rights arising out of the Village's acceptance of your PROPOSAL as abandoned. The Village will be entitled to such other rights as may be granted by law and the right to receive any security which may have been submitted with the Proposal.

You are required to return an acknowledged copy of this NOTICE OF AWARD to the Village.

Dated this _____ day of _____, 2018.

Village of Glen Ellyn, Illinois

By_____

_____
Title

Acknowledged: _____

Contractor

F. CONTRACTOR'S INFORMATION REPORT

The bidder is requested to state below what work of similar magnitude or character it has done, and to give references, including at least one municipality, that will enable the OWNER to judge the experience, skill and business standing and its ability to conduct the work as completely and as rapidly as required under the terms of the contract.

	Project Location	Reference (Name & Phone Number)
(1)	City of Des Plaines	Tom Bueser - 847-391-5470
(2)	Randhurst Village	Adela Malvaez - 847-259-0500
(3)	Village of Hinsdale	Emily Wagner - 630-789-7005
(4)	Carol Stream Park District	Ron Murray - 630-784-6184
(5)	Lieberman Management	Charles Perry - 847-777-7028
(6)	Glenview Park District	Amy Watson - 224-521-2556
(7)	Niles Public Library	Greg Pritz - 847-663-1234

G. AGREEMENT BETWEEN OWNER AND CONTRACTOR

THIS AGREEMENT is dated as of the ____day of _____ in the year 2018 by and between The Village of Glen Ellyn (hereinafter called OWNER) and B&B Holiday Decorating, LLC (hereinafter called CONTRACTOR).

OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

Article 1. CONTRACT DOCUMENTS

1.1 The Contract Documents which comprise the entire agreement between OWNER and CONTRACTOR concerning the Work consist of the following:

This Agreement;
Notice of Award;
Specifications bearing the title GENERAL REQUIREMENTS AND TECHNICAL SPECIFICATIONS;
Instructions to Bidders;
Non-Collusion certificate;
Contractor's Bid Proposal;
Other documents attached to the Agreement including but not limited to insurance, surety, bonds and financial information.

1.2 There are no Contract Documents other than those listed above in this Article 1. The Contract Documents may only be amended, modified or supplemented by Change Order approved, in writing, by the OWNER and CONTRACTOR.

Article 2. WORK

2.1 CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents.

2.2 If the CONTRACTOR fails to correct defective Work or persistently fails to carry out the Work in accordance with the Contract Documents, the OWNER, by a written order, may direct the CONTRACTOR to stop the Work, or any portion thereof, until the cause for such order has been eliminated; however, this right of the OWNER to stop the Work shall not give rise to any duty on the part of the OWNER to exercise this right for the benefit of the CONTRACTOR or any other person or entity.

2.3 If the CONTRACTOR defaults or neglects to carry out the Work in accordance with the Contract Documents and fails within seven (7) days after receipt of written notice from the OWNER to commence and continue correction of such default or neglect with diligence

and promptness, the OWNER may, after seven (7) days following receipt by the CONTRACTOR of an additional written notice and without prejudice to any other remedy he may have, make good such deficiencies. In such case an appropriate deduction may be taken by OWNER from the payments then or thereafter due the CONTRACTOR for the cost of correcting such deficiencies. If the payments then or thereafter due the CONTRACTOR are not sufficient to cover such amount, the CONTRACTOR shall pay the difference to the OWNER.

Article 3. EFFECTIVE DATE

The effective date of this contract is the date upon which the Village transmits a written notice to proceed to the CONTRACTOR. The notice to proceed shall be sent by the Village to the CONTRACTOR within 14 days after all parties to the contract have executed it provided that all other contractual requirements have been met.

Article 4. CONTRACT PRICE

Owner shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents.

Article 5. CONTRACTOR'S REPRESENTATIONS

In order to induce OWNER to enter into this Agreement, CONTRACTOR makes the following representations:

5.1 CONTRACTOR has familiarized itself with the nature and extent of the Contract Documents, work site, locality, and all local conditions and laws and regulations that in any manner may affect cost, progress, performance or furnishing of the Work.

5.2 CONTRACTOR has given OWNER written notice of all conflicts, errors or discrepancies that he has discovered in the Contract Documents and the written resolution thereof by OWNER is acceptable to CONTRACTOR.

Article 6. MISCELLANEOUS

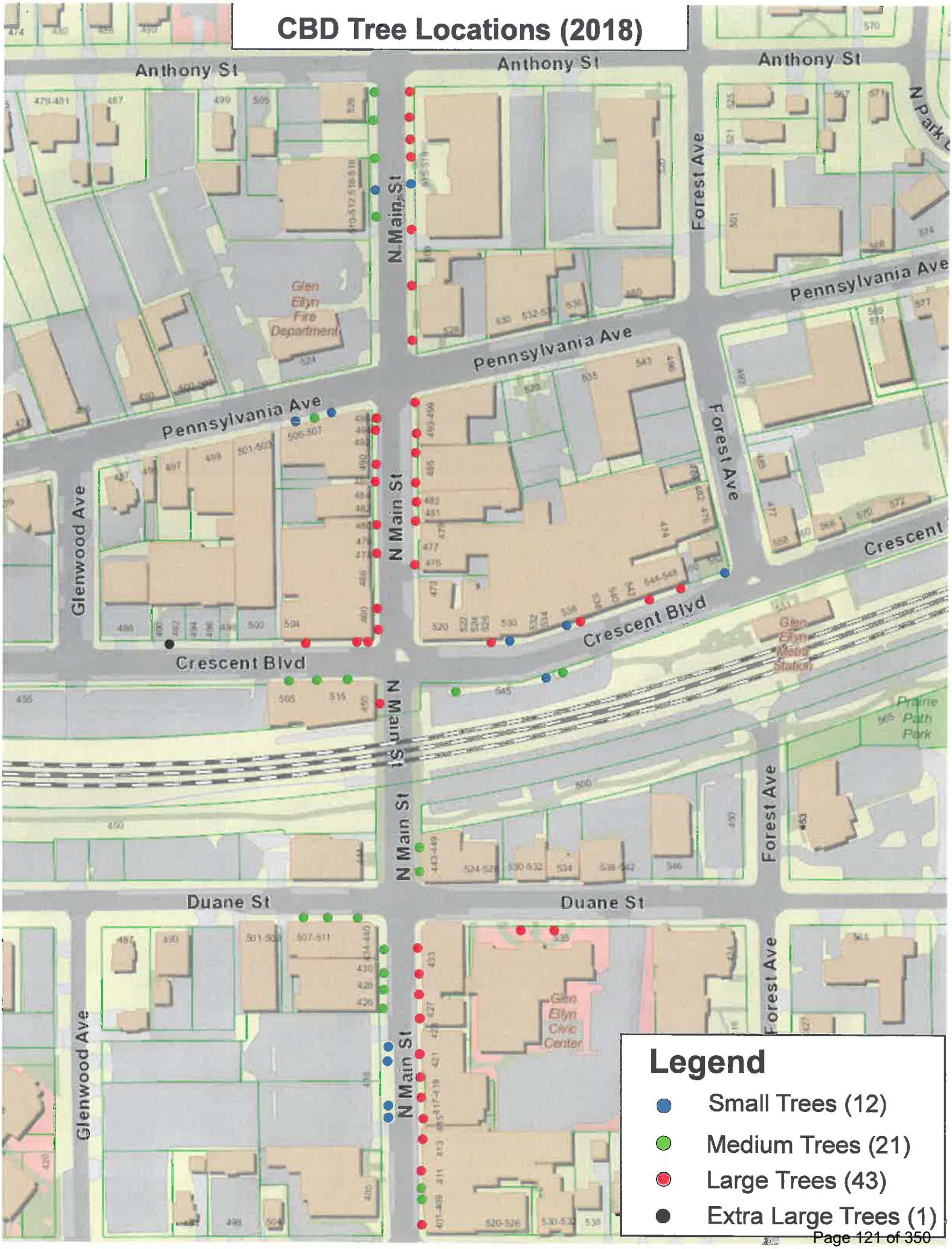
6.1 No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

6.2 OWNER and CONTRACTOR each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect of all covenants, agreements and obligations contained in the Contract Documents.

IN WITNESS WHEREOF, OWNER and CONTRACTOR has signed this Agreement in duplicate. One counterpart each has been delivered to OWNER and CONTRACTOR. All portions of the Contract Documents have been signed or identified by OWNER and CONTRACTOR.

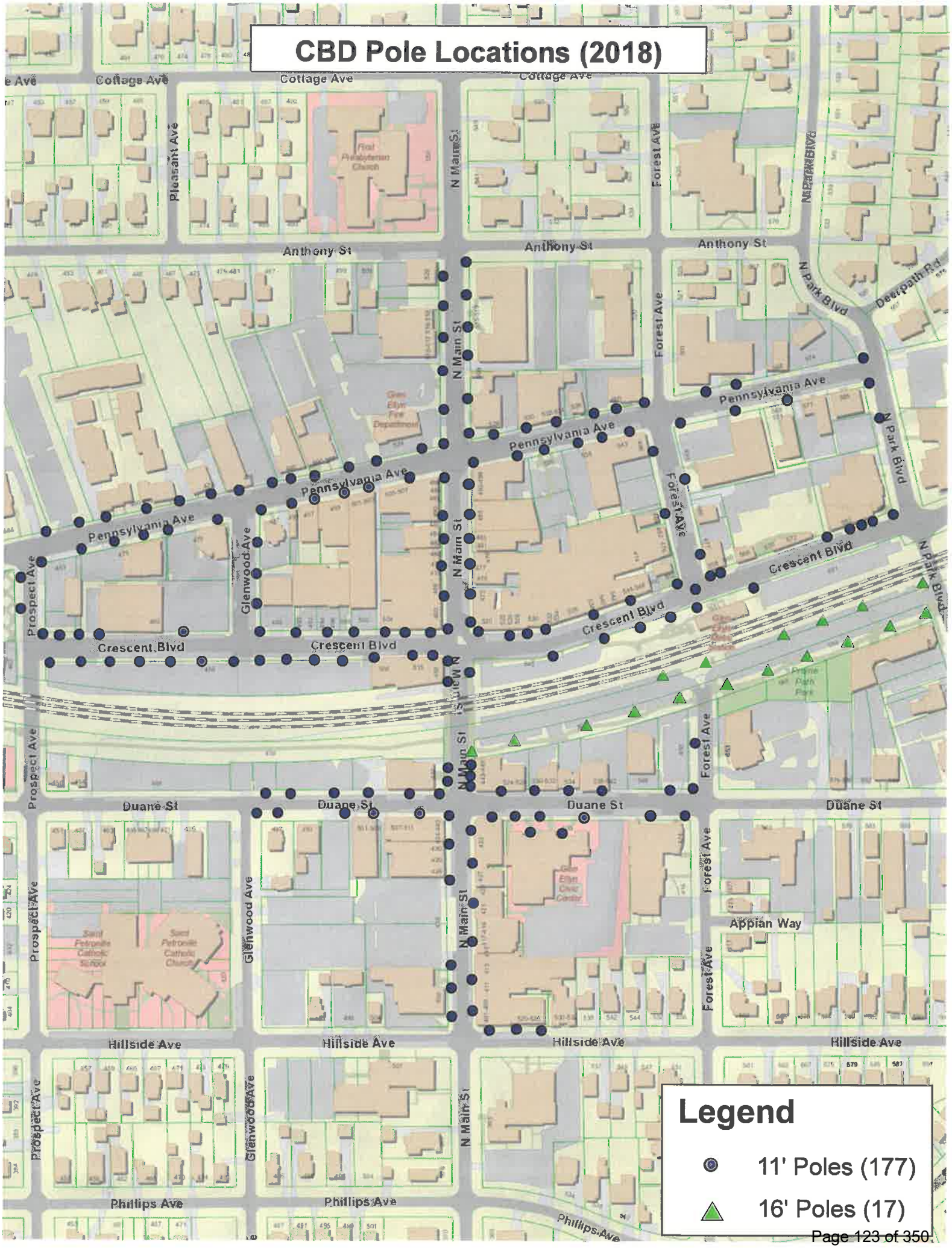
VILLAGE OF GLEN ELLYN	CONTRACTOR
By _____	By _____
Village President or Village Manager	Authorized Signatory
CORPORATE SEAL	If a corporation, affix CORPORATE SEAL
Attest _____	Attest _____
Village Clerk	Authorized Signatory

CBD Tree Locations (2018)



THE
TURNING
POINT
GIFTS

CBD Pole Locations (2018)



Five Corners Pole Locations (2018)

Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting 7/26/2021 7:00 PM
Department: Village Links
Department Head: Jeff Vesevick
Category: Purchase
Prepared By: Andrew Cross

AGENDA ITEM (ID # 2021-1282)

DOC ID: 2021-1282

Pursuant to Section 1-10-7 of the Village Code, Authorize the Purchase a 2021 John Deere 6500A E-Cut Fairway Mower through the Soucewell Purchasing Program from JW Turf of Elgin, Illinois, in the Amount of $56,695, to be Expensed to the Village Links/Reserve 22 Fund (General Manager Vesevick)

Statement of the Issue:
Please see the attached memo.

Analysis:

Budget Impact:

Action Requested:

Attachments:

1. John Deere 6500A E-Cut Fairway Mower

MEMO

TO: Jeff Vesevick, General Manager
FROM: Andrew Cross, Golf Course Superintendent
DATE: July 15, 2021
RE: John Deere 6500A E-Cut Fairway Mower Purchase

I am proposing we purchase one 2021 John Deere 6500A E-Cut Fairway Mower

Background: The Village Links Grounds Division has determined it is well beyond the appropriate time to replace a 2001 Jacobsen LF3400 Fairway Mower. The 20-year-old vehicle has exceeded its normal useful life of 8 to 10 years. Our fleet of (4) large area reel mowers are used to mow 47 acres of fairway and driving range turf 2 to 3 times per week during the growing season. A replacement vehicle is in the capital replacement list for the CY 2021 budget. I would like to purchase the vehicle at this time since it is needed for operations and condition improvements. There is only one vendor who produces the fairway mower which fits our needs and that is the John Deere Company. JW Turf has the exclusive territory to sell John Deere Golf Equipment. The 2021 John Deere 6500A E-Cut Fairway Mower is available from JW Turf through the Sourcewell Purchasing Program. The 2021 John Deere 6500A E-Cut Fairway Mowers are available through the Sourcewell contract for $56,695.00. This mower is identical to the 2 we purchased last year, and furthers our goal of keeping less stock, and having similar mowers for similar tasks (less confusion for staff). This mower will replace a unit that currently has 7,315 hours on it. To put that into everyday terms the USGA has considered hours equivalency to miles on your car as 1 hour is 77 miles. That works out to the mower being replaced at 7315hrs and counting to a car having roughly 563,000 miles!!

Subject: I acquired a quote from JW Turf, of Elgin, Illinois through their participation in the Sourcewell Purchasing Program. The price for the 2021 John Deere 6500A E-Cut Fairway Mower is $56,695.00 from the Sourcewell Purchasing Program. Sourcewell holds the competitively solicited contract for the 2021 John Deere 6500A E-Cut Fairway Mower. Utilizing the Sourcewell Purchasing Program saves the village on costs associated with the procurement process.

Vendor Proposals: JW Turf to provide 1 2021 John Deere 6500A E-Cut Fairway Mower for $56,695.00.

Recommendation: I have researched and developed specifications that will allow the Village to obtain the equipment that best meet the needs of the Village Links Grounds Division at the most competitive price. I recommend that the Village Board approve the purchase of (1) 2021 John Deere 6500A E-Cut Fairway Mowers from JW Turf, Elgin, Illinois through the Sourcewell Purchasing Program in the amount of $56,695.00. Funding should be expensed to the CY2021 Recreation Department Capital Outlay – Equipment Fund 55-700-580-110

Action Requested: Motion pursuant to Section 1-10-7 of the Glen Ellyn Village Code to adopt competitive bidding procedures of the Sourcewell Purchasing Program in lieu of the provisions of Chapter 10 on Village Contracts and approve the purchase of (1) 2021 John Deere 6500A E-Cut Fairway Mower from JW Turf, Elgin Illinois through the Sourcewell Purchasing Program in the amount of $56,695.00 to be expensed to the Recreation Department Capital Fund.

Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting 7/26/2021 7:00 PM
Department: Community Development
Department Head: Staci Springer
Category: Ordinance
Prepared By: Kelly Purvis

AGENDA ITEM (ID # 2021-1269)

DOC ID: 2021-1269

Motion to approve Ordinance No. 6888, An Ordinance Approving an Annexation Agreement for the Property Located at 22W315 Stanton Road (Proposed Address: 645 Stanton Road)

Statement of the Issue:
See attached Memo.

Analysis:

Budget Impact:

Action Requested:

Attachments:

1. VB Memo Annexation Agreement
2. Location Map
3. Map of Properties with Agreements - AEE
4. Public Hearing Notice
5. Certificate of Publication
6. Annexation Agreement - Ordinance
7. Annexation Agreement

MEMORANDUM

TO: Mark Franz, Village Manager

FROM: Staci Springer, Community Development Director
Kelly Purvis, Planning Manager

DATE: July 13, 2021

FOR: July 26, 2021 Village Board Meeting

SUBJECT: Consideration of an annexation agreement for the property located at 22W315 Stanton Road.

Background: James and Deborah Flight, owners of the property located at 22W315 Stanton Road, have submitted a request for approval of an annexation agreement so that their property can be connected to the Village's water main while the property is unincorporated. The subject property is located on the south side of Stanton Road between Ahlstrand Road and Arboretum Road in the Arboretum East Subdivision. The property is currently in unincorporated DuPage County and is not yet contiguous to the Village limits. Notification of the public hearing to consider the annexation agreement for the subject property was published in the Daily Herald on July 7, 2021 (certificate of publication attached).

Annexation agreements for several properties surrounding this lot were adopted in 2003-2004 (see attached map of properties with annexation agreements). Many of the lots will be required to annex to the Village on or before March 1, 2023, in accordance with their agreements, at which point the subject property will also be contiguous to the Village and annexed.

The property owners will pay all of the standard permit and connection fees as applicable to make the connection to the water main. As noted in the attached annexation agreement, the petitioners will also pay $17,160.00 for their proportionate share of the water main prior to the issuance of building permits to make the connection. Sanitary sewer service is not yet available in this area. Should the Village sanitary sewer main be extended in the future, the property owners would be required to connect at such time.

Upon annexation the property would, by law, become disconnected from the Lisle-Woodridge Fire Protection District and will begin receiving service from the Glen Ellyn Volunteer Fire Company. Per the annexation agreement, if the Village is obligated to pay lost real estate tax revenue to the Lisle-Woodridge Fire Protection District, the owners shall reimburse the Village for the actual amount the Village is required to pay. An estimate of these costs has been provided to the petitioners.

When annexed (upon contiguity or by March 1, 2023), the property would be given a new Village address of 645 Stanton Road and would be rezoned RE Residential Estate District, consistent with the surrounding incorporated properties. Section 10-3-3 of the Zoning Code

allows the Community Development Director to automatically designate this classification without a public hearing.

Benefits of Annexation: There are several benefits to annexation. In this particular case, all of the properties adjacent to this lot already have annexation agreements and will become part of the Village on or before March of 2023. Annexing the subject property would create consistent zoning requirements across all of the properties (instead of Village zoning on some lots and County zoning on others). Whether or not the subject property were annexed, it would benefit from Village services such as street maintenance, snow removal, policing, etc. due to its proximity to incorporated properties; the Village would recoup some of its cost to provide these services through property taxes if the property were annexed. Annexation of the property would also ensure that the neighborhood is served with consistent fire service and refuse removal services. Since all adjacent properties will be incorporated in the next couple of years, there would be little to no additional expense to the Village for annexing the subject property. Further, the Village has already paid the expense to install water main in the public right-of-way adjacent to the property. If the property is permitted to connect to the Village's water main, the Village will recoup $17,160.00 which includes this property's share of the cost to install the water main plus 2% interest. Below is an estimated summary of taxes/fees the Village will collect annually from the property when annexed (based upon 2020 tax information).

Village property tax: $1,324.85
Library tax: $800.27
Fire fee (Village Services Bill): $180.00
Income tax: $261.69
Use tax: $66.54
Fuel tax: $67.72

Total: $2,701.07

Village Board Action: The Village Board is being asked to consider the proposed annexation agreement for the property located at 22W315 Stanton Road. An ordinance approving the request has been prepared for the Village Board's consideration at the July 26, 2021 meeting.

Attachments:

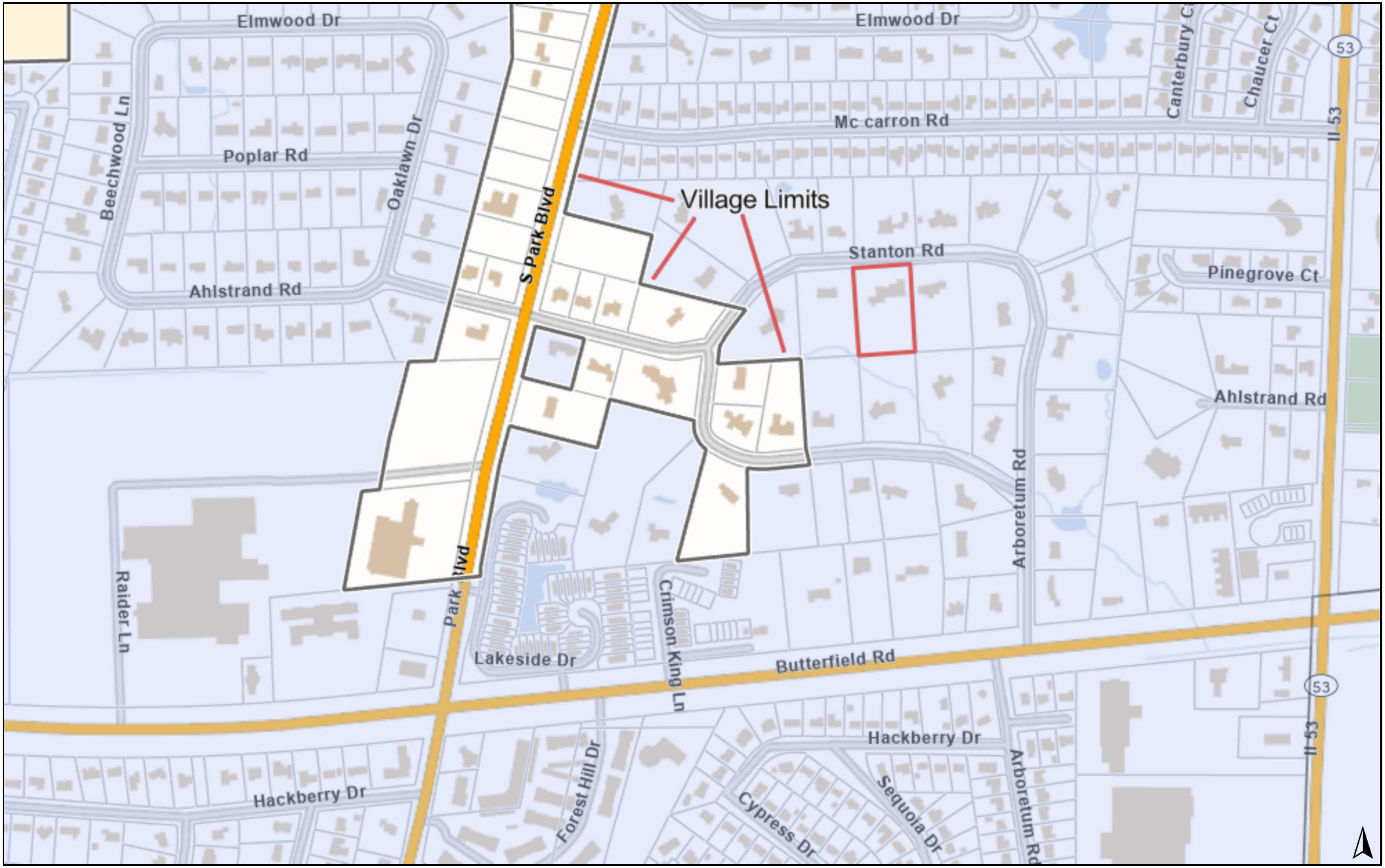
- Location Map
- Map of properties with Annexation Agreements in Arboretum Estates East
- Notice of Annexation Agreement
- Certificate of Publication
- Draft Ordinance Approving Annexation
- Annexation Agreement – Exhibit "A" to the Ordinance

cc: Staci Springer, Director of Community Development
Philip Norton, Chief of Police
Christina Coyle, Finance Director
Dave Buckley, Public Works Director
Chris Clark, Fire Chief
Jeff Vesevick, Recreation Director

James & Deborah Flight, Property Owners

X:\Plandev\PLANNING\Annexations\Stanton Rd 22W315\VB\VB Memo Annexation Agreement.doc

GISConsortium | Location Map



0 500 1000 ft

Print Date: 7/13/2021

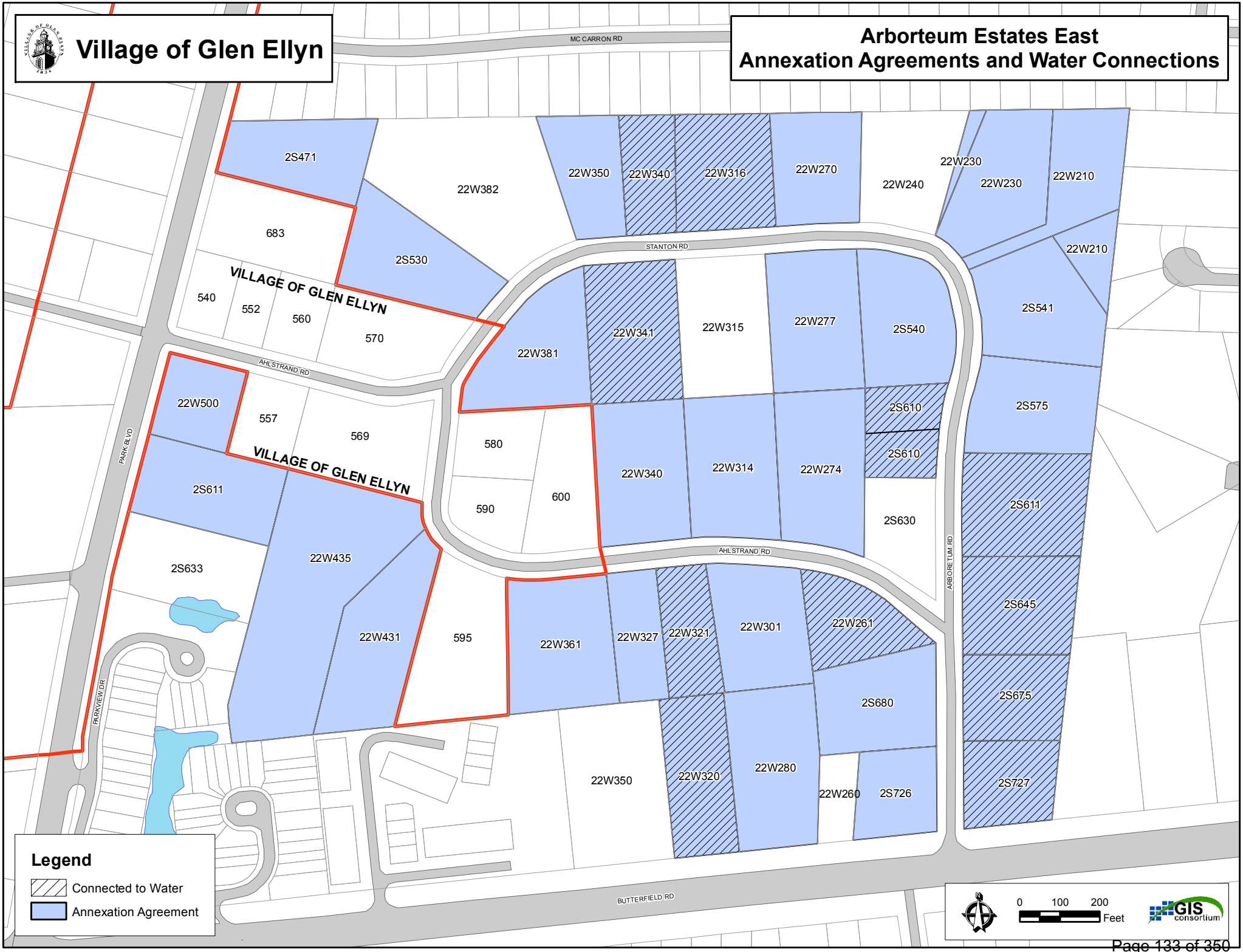
Notes

22W315 Stanton Road - Annexation Agreement

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.

Village of Glen Ellyn

Arboreum Estates East
Annexation Agreements and Water Connections



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20191122_KBMGP

PUBLIC HEARING NOTICE FOR AN ANNEXATION AGREEMENT

In accordance with the Illinois Municipal Code, 65 ILCS 5/11-15.1-3 on **July 26, 2021 at 7:00 p.m**., the Glen Ellyn Village Board will consider an annexation agreement which outlines the terms for the annexation of the property located at 22W315 Stanton Road. The public hearing is to be held at the Glen Ellyn Civic Center in the Galligan Board Room. The proposed Annexation Agreement for this site may be subject to change, amended, or redrafted in its entirety following the public hearing. The owners of the property are James and Deborah Flight. The property is located on the south side of Stanton Road between Ahlstrand Road and Arboretum Road and is in unincorporated DuPage County and is not currently contiguous to the Village limits. The address, legal description and PIN of the subject property are below:

22W315 STANTON ROAD, GLEN ELLYN, IL 60137
LOT 37 IN AHLSTRAND'S ARBORETUM ESTATES, BEING A SUBDIVISION OF PART OF SECTION 26, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEROF RECORDED MAY 21, 1953 AS DOCUMENT 683086, IN DUPAGE COUNTY, ILLINOIS.

PIN: 05-26-401-003

All persons who are interested are invited to attend the public hearing. Copies of all materials regarding the annexation agreement are available for public review in the Community Development Department of the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Questions related to the proposed annexation agreement should be directed to Planning Manager, Kelly Purvis at (630) 547-5371.

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

Prepared by:
Kelly Purvis, Planning Manager
Community Development
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, IL 60137

X:\Plandev\PLANNING\Annexations\Stanton Rd 22W315\Public Notice\Annexation Agreement - Public Hearing Notice.docx

PUBLIC HEARING NOTICE
FOR AN ANNEXATION AGREEMENT

In accordance with the Illinois Municipal Code, 65 ILCS 5/11-15.1-3 on **July 26, 2021 at 7:00 p.m.**, the Glen Ellyn Village Board will consider an annexation agreement which outlines the terms for the annexation of the property located at 22W315 Stanton Road. The public hearing is to be held at the Glen Ellyn Civic Center in the Galligan Board Room. The proposed Annexation Agreement for this site may be subject to change, amended, or redrafted in its entirety following the public hearing. The owners of the property are James and Deborah Flight. The property is located on the south side of Stanton Road between Ahlstrand Road and Arboretum Road and is in unincorporated DuPage County and is not currently contiguous to the Village limits. The address, legal description and PIN of the subject property are below:

22W315 STANTON ROAD, GLEN ELLYN, IL 60137

LOT 37 IN AHLSTRAND'S ARBORETUM ESTATES, BEING A SUBDIVISION OF PART OF SECTION 26, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEROF RECORDED MAY 21, 1953 AS DOCUMENT 683086, IN DUPAGE COUNTY, ILLINOIS.

PIN: 05-26-401-003

All persons who are interested are invited to attend the public hearing. Copies of all materials regarding the annexation agreement are available for public review in the Community Development Department of the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Questions related to the proposed annexation agreement should be directed to Planning Manager, Kelly Purvis at (630) 547-5371.

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

Prepared by:
Kelly Purvis, Planning Manager
Community Development
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, IL 60137
Published in Daily Herald July 7, 2021 (4566507)

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 07/07/2021
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 Paula Baltzer
Designee of the Publisher and Officer of the Daily Herald

Control # 4566507

Village of Glen Ellyn

Ordinance No. _____

An Ordinance Approving an Annexation Agreement
for the Property Located at 22W315 Stanton Road
(Proposed Address: 645 Stanton Road)
Glen Ellyn, IL 60137

Adopted by the
President and the Board of Trustees
Of the Village of Glen Ellyn
DuPage County, Illinois
This _____ Day of _____, 20__.

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

PREPARED BY AND MAIL TO:
VILLAGE OF GLEN ELLYN
ATTN: VILLAGE CLERK
535 DUANE STREET
GLEN ELLYN, IL 60137

Ordinance No. _____

An Ordinance Approving an Annexation Agreement for the Property Located at 22W315 Stanton Road (Proposed Address: 645 Stanton Road) Glen Ellyn, IL 60137

Whereas, James and Deborah Flight, owners of the property located on the on the south side of Stanton Road between Ahlstrand Road and Arboretum Road and commonly known as 22W315 Stanton Road (proposed address: 645 Stanton Road), has petitioned the Village President and Board of Trustees of the Village of Glen Ellyn for approval of an Annexation Agreement; and

Whereas, the owners of record have expressed a desire to annex said property to the Village of Glen Ellyn; and

Whereas, the Village and owners have agreed to terms, set forth in the Annexation Agreement, attached hereto as Exhibit "A"; and

Whereas, said property is not now within the corporate limits of any municipality and is not yet contiguous to the Village of Glen Ellyn; and

Whereas, the subject property is legally described as follows:

LOT 37 IN AHLSTRAND'S ARBORETUM ESTATES, BEING A SUBDIVISION OF PART OF SECTION 26, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEROF RECORDED MAY 21, 1953 AS DOCUMENT 683086, IN DUPAGE COUNTY, ILLINOIS.

PIN: 05-26-401-003; and

Whereas, the petitioners have indicated that they are ready, willing, and able to enter into the Annexation Agreement, attached hereto as Exhibit "A" and to bind themselves and their successors in interest to the terms of said annexation agreement; and

Whereas, the Village has issued, delivered and published all statutorily required notices regarding the consideration of the proposed annexation agreement; and

Whereas, in accordance with all statutorily required notices, on July 26, 2021, the Village Board conducted a public hearing on the proposed annexation agreement; and

Whereas, after due investigation and consideration and pursuant to the aforesaid public hearing, the President and Board of Trustees deem it in the best interest of the Village of Glen Ellyn to enter into the annexation agreement, attached hereto as Exhibit "A".

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

Section One: The foregoing recitals and the preambles in the Annexation Agreement attached hereto as Exhibit "A" shall be, and are hereby, incorporated into and made a part of this Ordinance as if fully set forth in this Section One.

Section Two: The Village President and Village Clerk are hereby authorized and directed to execute and attest the Annexation Agreement for 22W315 Stanton Road (proposed address 645 Stanton Road), attached hereto as Exhibit "A" on behalf of the Village of Glen Ellyn, with any final changes subject to Village Attorney review.

Section Three: The Village Clerk is hereby authorized and directed to cause said Annexation Agreement to be recorded with the Recorder of Deeds of DuPage County, upon the proper execution of the same on behalf of all of the parties, together with a certified copy of this Ordinance approving the execution of the annexation agreement on behalf of the Village of Glen Ellyn.

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

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois this _____ day of _____

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois this _____ day of _____.

_____
Village President

Attest:

_____
Village Clerk

AFFIX VILLAGE SEAL
(Published in pamphlet form and posted on the _____ day of _____, 20____.)

X:\Plandev\PLANNING\Annexations\Stanton Rd 22W315\Annexation Agreement - Ordinance.doc

ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement") is made and entered into this _____ day of _____ 2021, by, between, and among James and Deborah Flight, ("Owners"), and the Village of Glen Ellyn ("Village"). The Village and Owners are collectively referred to as ("Parties").

RECITALS

A. The Owners are the owners of record of the parcel of land commonly known as 22W315 Stanton Rd, Glen Ellyn, Illinois, in unincorporated DuPage County. The property is located on the south side of Stanton Road between Ahlstrand Road and Arboretum Road. The subject property is legally described on Exhibit "A" attached hereto, is identified for real estate purposes as P.I.N. 05-26-401-003 ("Property"), and is currently improved with one single-family home.

B. The Village is an Illinois home rule municipal corporation, having its principal office at 535 Duane Street, Glen Ellyn, Illinois.

C. It is Village policy to enter into an annexation agreement with properties outside of its boundaries as a condition of providing Village utilities.

D. The Owners of the property at 22W315 Stanton Rd. (proposed address: 645 Stanton Rd.) have indicated that they are ready, willing and able to enter into this Annexation Agreement and bind themselves and their successors in interest to the terms and conditions of the said Agreement in order to obtain Village water and sanitary sewer service.

E. A public hearing to consider this Agreement was noticed in the *Daily Herald* on _____ and was held by Village President and Board of Trustees on July 26, 2021.

F. The Village has published all notices as required in the Illinois Municipal Code, 65 ILCS 5/11-15.1-3. *et seq.*

G. The Owners have agreed that the Property will be zoned in accordance with the RE Residential Estate District regulations as set forth in Section 10-4-5 of the Glen Ellyn Zoning Code, as the same may be amended from time to time ("Zoning Code"), when it is annexed to the Village to allow the Property to be used for a single-family dwelling unit in accordance with the terms and conditions of this Agreement.

H. All other matters, in addition to those specifically referred to above, which are included by this Agreement, have been considered by the Parties, and the development of the Property for the purposes permitted under the RE Residential Estate District regulations of the Zoning Code, all in accordance with the terms and conditions of this Agreement, will inure to the benefit and improvement of the Village by increasing the taxable value of the real property within the Village's corporate limits, extending the corporate limits and jurisdiction of the Village to the limits of the Property, promoting the sound planning and development of the Village, and otherwise enhancing and promoting the general welfare of the Village residents and taxpayers.

NOW THEREFORE, in consideration of the foregoing preambles and mutual covenants and agreements contained herein, the Parties agree as follows:

1. Incorporation of Recitals. The Parties hereby confirm the truth and validity of the

representations and recitations set forth in the foregoing recitals. The Parties further acknowledge that the same are material to this Agreement and are hereby incorporated into and made a part of this Agreement and the same shall continue for so long as this Agreement is in full force and effect.

2. Legal Conformance with Law. This Agreement is made pursuant to and in accordance with the provisions of the Glen Ellyn Village Code, and its home rule powers, as established in the Illinois Revised Statutes and the Illinois Constitution.

3. Annexation. The Owners of the Subject Property, which is legally described in Exhibit "A", shall annex that property to the Village upon the soonest to occur of the following events:

A. March 1, 2023:

B. The voluntary decision of the Owners to connect to the public water or sewer service of the Village.

The obligation to annex, under Section 3 A. or B. above, however, shall also be contingent upon the contiguity of the Subject Property with the boundaries of the Village. That contiguity can come about either through direct contiguity or through contiguity including other properties which jointly would be contiguous to the Village. If the subject property is not itself contiguous, but along with other properties would achieve contiguity, the Owners shall, upon (30) days' written notice from the Village, execute a petition seeking annexation to the Village, which petition may be filed in the Circuit Court of DuPage County and, along with other properties, will be jointly annexed.

The Village may select an attorney to represent the Owners in such a court petition and the Village, in that case, shall pay all of the expenses of the court proceedings. If the property is itself contiguous to the Village, then, upon thirty (30) days written notice, the Owners will submit to the Village a petition seeking annexation.

4. Zoning. Contemporaneous with, or immediately following, the adoption of a valid and binding Annexation Ordinance, the Community Development Director shall, without further hearing, automatically zone the Property to the RE Residential Estate District in accordance with Section 10-3-3 of the Glen Ellyn Zoning Code. Any existing use of the Property, upon annexation, that does not comply with the requirements of that zoning category, may continue to be used for its existing purpose subject to the Village's zoning provisions regarding nonconformities. Because the zoning category to be granted to the Property is that which automatically will be granted pursuant to Section 10-3-3, the process under which this Agreement was entered into did not include a public hearing before the Glen Ellyn Plan Commission. The zoning category to be granted to this Property will therefore be automatically established and the designation will appear in the next version of the Village's zoning map.

5. Water Service.

A. The Village hereby agrees to permit a single connection of the Property to the Village's existing water main, at a location, alignment and configuration acceptable to the Public Works Department.

B. The Owners shall apply for and secure permits for the connection of the Property to the Village's water main. The Owners shall pay all applicable building permit fees and deposits required by the Village and County.

C. The Owners shall complete the connection of the Property to the Village's water main within twelve (12) months of the Village's approval of this Annexation Agreement.

D. The Owners shall pay a water main recapture fee in the amount of $17,160.00 to the Village for the Property's proportionate share of the cost to construct the water main, prior to the issuance of a building permit to make the connection.

E. In the event that the Owners fail to comply with any provision of this Annexation Agreement, the Village may, at its sole option, discontinue water service to the Property and enforce this agreement in a court of appropriate jurisdiction by specific performance.

6. Fire Protection. When the Subject Property is annexed to the Village, it will receive service from the Glen Ellyn Volunteer Fire Company, which currently maintains a fire station just east of Park Boulevard on Taft Avenue. Upon annexation, the Subject Property would, by law, become disconnected from the Lisle-Woodridge Fire Protection District and that Fire Protection District, under existing state law, may require the Village to pay it an amount of money which, over a period of years, equals three (3) years of lost Fire Protection District taxes. Because the Subject Property, and others subject to similar annexation agreements, will annex to the Village over an extended period of time, the law on this subject may change. Upon annexation to the Village, if the Property becomes disconnected from the Lisle-Woodridge Fire Protection District, and the Village, by law, becomes obligated to and is required to pay lost real estate tax revenue to the Lisle-Woodridge Fire Protection District, the Owners shall reimburse the Village for the actual amounts which the Village is required to pay within 60 days of receipt of an invoice from the Village. If the Village is obligated to pay nothing to the Fire Protection District, or some reduced amount that shall be the obligation of the Owners to the Village.

7. Village Address. Upon annexation to the Village, the proposed Village address shall be 645 Stanton Rd.

8. Property Use and Maintenance. From and after the date of annexation, the property shall be used and maintained in accordance with and pursuant to the Village Code of Glen Ellyn, including the applicable Building Codes, Subdivision Regulations and Zoning Code contained therein.

9. Annexation Fee. The annexation fee of $250.00 has been waived and will not be required at the time of annexation.

10. Term. The term of this Agreement will be 20 years from the date of execution hereof, which will be deemed to become effective on the date hereof.

11. Miscellaneous Provisions

A. Estate Zoning District – The Property at 22W315 Stanton Road has an existing well and irrigation system. The well and irrigation system shall be maintained and converted to landscape and other non-potable uses in accordance with the following provisions: the existing water well must be either closed in accordance with Village and County requirements or converted to landscape and other non-potable water uses as allowed by the DuPage County Public Health Department. After connection to the Village water main, a property owner who wishes to maintain a well must totally disconnect it from the potable water supply for the home. At the homeowner's expense, an annual plumbing inspection is required for a landscape/non-potable water well to verify that it is not connected in any way to a home potable water system.

B. Rural Character Protection – The Village agrees to protect the rural character of this area, and will, during the period of this Annexation Agreement, unless compelled otherwise by a superior governmental body, protect existing trees and landscaping whenever feasible. However, the Village may install any and all public improvements in the public right-of-way at any time if the Village, a County Department, or a State agency determines a health risk, public safety situation, or other public problem exists in the area; or if the majority of the owners in the area express support for such improvements.

C. Sewers – The Village has no plans or intent to construct any additional public sanitary sewers in this area. However, at such time that the Village sanitary main may be extended within right-of-way contiguous to the property or an easement contiguous to and accessible from the property or contiguous right-of-way, connection to the sanitary main is required within twelve (12) months of the Village notifying the owners of the extension.

D. Water & Sanitary Sewer Connection Fees – At the time of connection to the Village Water and/or Sewer Systems, the Owners shall pay the connection fee in effect at the time per the Village Code.

12. Annexation Agreement Extension. At the option of the Village, the Village may extend this Annexation Agreement, at its conclusion, for an additional period of up to 20 years for a portion or all of the Property. If the Village wishes to exercise this option, it shall do so in writing not earlier than two years before the expiration of the Annexation Agreement, nor later than three months prior to this Agreement's initial termination date. Notice shall be sent in writing to (i) that entity that has paid the real estate property taxes during one of the last two years for the Property or that portion of the Property for which the Village wishes to extend this Agreement or (ii) to the record title holder of the Property or that portion of the Property for which the Village wishes to extend this Agreement. If the Village decides in its sole and absolute opinion to extend the term of this Agreement, the Village may do so whether or not the Property, or any portion of the Property, has been annexed to the Village. The Village may only extend the term of this Agreement once. In the event that the Village has not exercised the option to extend the term of this Agreement pursuant to this Section, and if the property has not been annexed to the Village at this Agreement's initial termination date, the Village and the Owners may enter into a new Annexation Agreement in the manner provided by law. If the Village has been providing utility services to the non-annexed Property or any non-annexed portions of the Property pursuant to this Agreement, it may terminate such utility service at the conclusion of this Agreement; provided, however, that the Village provides not less than one year prior written notice of such termination to (i) that entity that has paid the real estate property taxes during one of the last two years for the Property or that portion of the Property for which the Village desires to terminate any such utility service or (ii) to the record title holder of the Property or any portion of the Property for which the Village desires to terminate any such utility service.

13. General Provisions.

A. Severability. In the event that any portion of this Annexation Agreement will be found to be invalid by any court of competent jurisdiction, such finding of invalidity as to that portion will not affect the validity or enforceability of the balance of this Agreement.

B. Remedies. In addition to all rights and remedies specified in this Agreement, the Village will have the authority to pursue any and all rights and remedies, at law or in equity, to which it is entitled in order to enforce the terms of this Agreement. In the event that the Owners fail to comply, the Village may institute an action for specific performance along with other civil

and quasi-criminal actions as permitted by law, and the Village may disconnect the water and sanitary sewer services. The Owners will be further liable for any attorney fees, court costs and other costs incurred by the Village as a consequence of the Village's enforcement of this provision.

C. Amendment. This Agreement may be amended from time to time with the consent of the parties, pursuant to Statute.

D. Conflict Regulations. The provisions of this Agreement shall supersede the provision of any Village Codes and Ordinances that may be in conflict with the provisions of this Agreement.

E. Enforcement. This Agreement shall be enforceable in any court of competent jurisdiction by either the Owners or the Village, and their respective successors and assigns, by an appropriate action at law or in equity, to secure the performance of the promises, obligations, and covenants in this Agreement, including the specific performance of this Agreement. The laws of the State of Illinois shall govern this Agreement. Any lawsuit enforcement filed against the Village of Glen Ellyn, or its officers, employees or independent contractors may only seek injunction, mandamus or specific performance for the enforcement of the agreement and may not seek damages.

F. Successors and Assigns. This Agreement shall inure to the benefit of and be binding upon the Owners and Village and their respective successors and assigns. No conveyance, transfer or assignment of fee title in the Property or of this Agreement shall serve to release the Owners of their duties and obligations already undertaken under this Agreement.

G. Application of Ordinances. Upon annexation, the Property and its use will be subject to all Village ordinances generally applicable throughout the Village except as herein set forth.

H. Recording. The Village Clerk is hereby directed to cause this Agreement to be recorded with the Recorder of Deeds of DuPage County, following its execution and approval by the Village Board.

I. No Disconnection. Once the Property subject to this Annexation Agreement has been annexed to the Village, the Owners shall not petition the Circuit Court to take any other action to cause the Property to be disconnected from the Village during the term of this Annexation Agreement or any extension to that term. In addition, the Owners may not during the term of this Annexation Agreement petition any other municipality or a court to permit annexation to another municipality.

J. Recitals and Exhibits. The recitals set forth in the beginning of this Agreement, and the exhibits attached hereto, are incorporated herein by this reference and shall constitute substantive provisions to this Agreement.

K. Captions and Paragraph Headings. The captions and paragraph headings used herein are for convenience only and shall not be used in construing any term or provision of this Agreement.

14. Notice. Any notice or communication required or permitted to be given under this

Agreement shall be in writing and shall be delivered (i) personally, (ii) by a reputable overnight courier, (iii) by certified mail, return receipt requested, and deposited in the U.S. Mail, postage prepaid, (iv) by facsimile, or (v) by electronic internet mail ("*e-mail*"). Facsimile notices shall be deemed valid only to the extent that they are (a) actually received by the individual to whom addressed and (b) followed by delivery of actual notice in the manner described in either (i), (ii), or (iii) above within three business days thereafter at the appropriate address set forth below. E-mail notices shall be deemed valid only to the extent that they are (a) opened by the recipient on a business day at the address set forth below, and (b) followed by delivery of actual notice in the manner described in either (i), (ii), or (iii) above within three business days thereafter at the appropriate address set forth below. Unless otherwise provided in this Agreement, notices shall be deemed received after the first to occur of (a) the date of actual receipt; or (b) the date that is one business day after deposit with an overnight courier as evidenced by a receipt of deposit; or (c) the date that is three business days after deposit in the U.S. mail, as evidenced by a return receipt. By notice complying with the requirements of this Section each party to this Agreement shall have the right to change the address or the addressee, or both, for all future notices and communications to them, but no notice of a change of addressee or address shall be effective until actually received.

Notices and communications to the Village shall be addressed to, and delivered at, the following address:

Village of Glen Ellyn
535 Duane Street
Glen Ellyn, IL 60137
Attn: Community Development Director

Notices and communications to the Owners shall be addressed to, and delivered at, the following address:

James & Deborah Flight
22W315 Stanton Road
Glen Ellyn, IL 60137

IN WITNESS WHEREOF, the parties have caused this Annexation Agreement to be executed by their duly authorized officers or individually, as the case may be, on _____, 2021.

SIGNATURE PAGE TO FOLLOW

VILLAGE OF GLEN ELLYN
A Municipal Corporation:

Village of Glen Ellyn
535 Duane Street

BY: _____
Village President

ATTEST:

BY: _____
Village Clerk

OWNER:

BY: _____
JAMES A. FLIGHT

OWNER:

BY: _____

OFFICIAL SEAL
LAURA L. TISINAI
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires 11/13/2024

SUBSCRIBED AND SWORN to
before me this 23rd day of
July, 2021.

_____
Notary Public

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

OWNERS: JAMES AND DEBORAH FLIGHT

ADDRESS: 22W315 STANTON ROAD

P.I.N.: 05-26-401-003

LEGAL DESCRIPTION:

LOT 37 IN AHLSTRAND'S ARBORETUM ESTATES, BEING A SUBDIVISION OF PART OF SECTION 26, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEROF RECORDED MAY 21, 1953 AS DOCUMENT 683086, IN DU PAGE COUNTY, ILLINOIS.

Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting 7/26/2021 7:00 PM
Department: Community Development
Department Head: Staci Springer
Category: Presentation
Prepared By: Josh Hankins

AGENDA ITEM (ID # 2021-1267)

DOC ID: 2021-1267

Motion to approve Ordinance No. 6889, An Ordinance Approving a Construction Necessitated Variation from the Accessory Structure Setback Requirements of the Zoning Code to Maintain a Pergola on the Property at 523 Fairway Court

Statement of the Issue:
See attached Memo.

Analysis:

Budget Impact:

Action Requested:

Attachments:

1. 523 Fairway Memo
2. 523 Fairway-CNV- approve ORD
3. 523 Fairway-CNV- deny ORD
4. Exhibit A-Draft Minutes of the June 22, 2021 ZBA Meeting
5. Aerial Photo
6. Zoning Map
7. Petitioner's Application Packet
8. Existing Conditions Photos
9. Petitions of Support
10. Exhibit B - Plat of Survey
11. Site Plans
12. Exhibit C - Pergola Detail

13. Review Letter dated 11-14-2019
14. Review Response letter dated 11-23-2019
15. Approved Plan dated 12-9-2019
16. Building Permit dated 12-9-2019
17. Email dated 2-18-2021
18. Quote for pergola remediation 2021.07.19

MEMORANDUM

TO: Mark Franz, Village Manager

FROM: Staci Springer, Community Development Director
Kelly Purvis, Planning Manager
Josh Hankins, Planning Intern

DATE: July 8, 2021

RE: July 26, 2021, Village Board Meeting
Zoning Variation Request – 523 Fairway Court

Background

The petitioner is Michael Fisher, owner of the property located at 523 Fairway Court. The property is a corner lot, located in the R2 Residential zoning district on the northeast side of Fairway Court. The land use immediately surrounding the subject property is R2 Residential. Notice of a public hearing was published in the Daily Herald on June 7, 2021. The Zoning Board of Appeals conducted a public hearing on the requested construction necessitated variation on June 22, 2021.

Project History

The petitioner, Michael Fisher, submitted a building permit application on October 1, 2019 for construction of a pergola, patio and retaining wall. Staff issued the first review of the proposed improvements on October 23, 2019 requesting additional information about the pergola (among other things). A second review of the proposed improvements was issued on November 14, 2019 noting that the location of the proposed pergola was not compliant with the Village Code (see attached review letter). On November 23, 2019 the petitioner's architect submitted a review response letter to the Village indicating that the pergola had been removed from the permit application, and that the property owner would be seeking a variation to construct the pergola (see attached review response letter). The plans were then approved by Village staff on December 9, 2019, noting that the pergola could not be constructed until a variation was requested and approved (see attached approved plan). A building permit to allow the construction of the patio and retaining wall was issued on December 9, 2019 (see attached building permit). A variation application to allow the pergola to be constructed on the property within 10 feet of the principal structure was not submitted to staff. A final inspection of the property was performed in February of 2021 in an attempt to close out the permit. At that time, staff noted that the pergola had been constructed without the granting of a variation. The property owner was contacted by staff on February 18, 2021 and given a deadline for submission of a Construction Necessitated Zoning Variation application (see attached email correspondence).

The subject property has a 10-foot wide stormwater management easement that runs through the rear yard and corner side yard at an angle that limits the usable area of the property. The

principal structure is constructed up to the 40 foot rear yard setback, and the pergola is approximately 5.6 feet from the house (see attached Plat of Survey). The Zoning Code requires that all accessory structures within 10 feet of a principal structure meet the same required setback as the principal structure. In other words, because the pergola is within 10 feet of the house, it needs to meet the minimum setback requirements of the principal structure (40 feet from the rear lot line 30 feet from the front lot line and 10 feet from the side lot lines). Pergolas are permitted to encroach into any required yard, provided they are 10 feet from the principal structure and at least 10 percent of the lot width from any property line.

The petitioner has indicated that a unique circumstance exists due to the stormwater management easement that runs diagonally across the property. The pergola has been constructed as close to the easement as it can be. It is approximately 23.7 feet from the rear lot line (encroaching 16.23 feet into the required rear yard). The pergola is 210 square feet in area and 10 feet tall. Outside of its placement on the property, it is otherwise compliant with the Zoning Code.

Issues

At the public hearing on June 22, 2021, the ZBA reviewed the existing conditions of the property, the location of the pergola requiring the construction necessitated variation, and considered the testimony from the petitioner and his contractor. The property owner indicated that he was unaware that the pergola required a variation. His contractor was in attendance at the meeting and took full blame for the pergola being constructed without first receiving a variation. He indicated that he was aware of the requirement and "dropped the ball". He explained that while the Village did omit the pergola from the building permit, he was given permission to install the footings for the pergola with the patio. It was noted that the installation of the footings would be at the property owner's risk if the variation was not granted.

Three of the six ZBA members in attendance at the meeting were in favor of granting the construction necessitated variation, indicating that the property owner should not be punished for the contractor's error. Those in favor also noted that the stormwater management easement does limit where the pergola could be placed on the property and presents both a unique circumstance and a hardship not present on most other properties.

The remaining three ZBA members that were not in favor of granting the request and were perplexed at the number of people who had been involved in this project (architect, builder, landscape contractor) who all missed the fact that a permit was not issued for the pergola. They worried that recommending approval for this request would set a precedent for future construction necessitated variances. Discussion took place about moving the request forward without adding any unnecessary burden on the property owner, who all ZBA members found without fault for the pergola being constructed without a permit and the necessary variation. Some ZBA members stated that the petitioner should remove the pergola and then apply for a standard zoning variation. Many of them said they would vote "yes" in that case, but could not vote "yes" on the current request due to the circumstances.

When requested by the ZBA to provide an approximate estimate for removal and replacement of the pergola in a new location, the contractor indicated it could cost as much $20,000. There were no member of the public at the meeting to speak in favor or against the request, however, several neighbors submitted petitions in support (attached).

Recommendation

At the public hearing on June 22, 2021, the Zoning Board of Appeals members voted on a motion to recommend approval of the requested construction necessitated variation to allow a pergola to remain within 10 feet of the principal structure and to encroach 16.32 feet into the required rear yard setback, which results in a rear yard setback of approximately 23.68 feet. The motion did not carry, with three (3) "yes" and three (3) "no" votes, resulting in a recommendation to deny the request.

Action Requested

It is requested that the Village Board consider the petitioner's request, the recommendations offered by the Zoning Board of Appeals and any further evidence or testimony presented at the Village Board Meeting and grant, deny or amend the requested construction necessitated variation. Since the Zoning Board of Appeals vote was split 3-3 in favor and against the granting of the request, staff has drafted an ordinance to approve and an ordinance to deny the request.

Attachments

- Draft Ordinance to approve
- Draft Ordinance to deny
- Exhibit "A" – Draft Minutes of the June 22, 2021 ZBA Meeting
- Aerial Photo
- Zoning Map
- Petitioner's Application
- Existing Condition Photos
- Petitions of Support
- Exhibit "B" - Plat of Survey
- Site Plans
- Exhibit "C" - Pergola Detail
- Review Letter dated 11/14/2019
- Review Response letter dated 11/23/2019
- Approved Plan dated 12/9/2019
- Building Permit dated 12/9/2019
- Email dated 02/18/2021
- Quote for Pergola Remediation 2021/07/19

CC: Paula Moritz, Plans Examiner
Michael Fisher, Property Owner

Village of Glen Ellyn

Ordinance No._____

An Ordinance Approving a Construction Necessitated Variation from the Accessory Structure Setback Requirements of the Zoning Code to Maintain a Pergola on the Property at 523 Fairway Court Glen Ellyn, IL 60137

Adopted by the President and the Board of Trustees Of the Village of Glen Ellyn DuPage County, Illinois This ____ Day Of _____, 20____ .

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

PREPARED BY AND MAIL TO:
VILLAGE OF GLEN ELLYN
ATTN: VILLAGE CLERK
535 DUANE STREET
GLEN ELLYN, IL 60137

Ordinance No._____

An Ordinance Approving a Construction Necessitated Variation from the Accessory Structure Setback Requirements of the Zoning Code to Maintain a Pergola on the Property at 523 Fairway Court Glen Ellyn, IL 60137

Whereas, Michael Fisher, owner of the property at 523 Fairway Court, Glen Ellyn, Illinois, which is legally described as follows:

LOT 9 IN THE ENCLAVE OF GLEN OAK SUBDIVISION, BEING A SUBDIVISION OF THAT PART OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 27, 2017 AS DOC. NO. R2017-009819 IN THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS.

PIN: 05-12-313-058

has petitioned the President and Board of Trustees of the Village of Glen Ellyn for a construction necessitated variation from the Glen Ellyn Zoning Code, Section 10-5-4(A)4b, to allow an accessory structure (pergola) within 10 feet of the principal structure to encroach 16.32 feet into the required rear yard, which results in a rear yard setback of approximately 23.68 feet in lieu of the required minimum 40 foot rear yard setback; and

Whereas, following due notice by publication in The Daily Herald not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all property owners within 250 feet of the subject property at least ten (10) days prior thereto, and following the placement of a placard on the subject property not less than fifteen (15) days prior thereto, the Glen Ellyn Zoning Board of Appeals conducted a public hearing on June 22, 2021, at which the petitioner presented evidence, testimony, and exhibits in support of the construction necessitated

variation request and zero (0) persons appeared in favor of the variation request and zero (0) persons appeared in opposition thereto; and

Whereas, based upon the evidence, testimony, and exhibits presented at the public hearing on June 22, 2021, the Zoning Board of Appeals adopted findings of fact and by a vote of three (3) “yes” and three (3) “no” votes the motion to approve the request did not carry, resulting in a recommendation that the construction necessitated variation be denied, as set forth in its draft Minutes dated June 22, 2021, appended hereto as Exhibit "A"; and

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

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

A. That the practical difficulty or particular hardship is that a stormwater management easement runs through the corner side and rear yards limiting the location where the pergola could be located without a variation; and

B. That the variation, if granted, will not alter the essential character of the locality as the variation will allow the pergola to remain, which is otherwise compliant with the Zoning Code; and

C. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property since the owners intend to remain in the home for the foreseeable future and have made the improvement to their property for their own use and enjoyment; and

D. That the variation will not be detrimental to the public comfort, morals, and welfare

or injurious to other property or improvements in the neighborhood in which the property is located since the pergola is setback over 23 feet from the property line and does not impact the stormwater management easement; and

E. That the variation will not substantially increase the hazard from fire or other dangers to said property and not otherwise impair the public health, safety, or general welfare of the inhabitants of the Village; and

F. That the variation will not diminish or impair property values within the neighborhood; and

G. That the variation will not unduly increase traffic congestion in the public streets and highways, as the traffic pattern on site will not be changed; and

H. That the variation will not increase public expenditures or create a nuisance since this is an improvement to the existing single-family residential use in a residential zoning district; and

I. That the variation is the minimum variation that will make possible the reasonable use of the land, building, or structure.

Whereas, the President and Board of Trustees, based on the aforementioned findings of fact, find it appropriate to grant the construction necessitated variation;

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

Section One: The minutes of the Glen Ellyn Zoning Board of Appeals, Exhibit "A" appended hereto, are hereby accepted, and the findings of fact and conclusions set forth in the

preambles above are hereby adopted as the findings of fact and conclusions of the corporate authorities of the Village of Glen Ellyn.

Section Two: Based upon the above findings of fact, the President and Board of Trustees hereby approve a construction necessitated variation from the Glen Ellyn Zoning Code, Section 10-5-4(A)4b, to allow an accessory structure (pergola) within ten feet of the principal structure to encroach 16.32 feet into the required rear yard, which results in a rear yard setback of approximately 23.68 feet in lieu of the required minimum 40 foot rear yard setback for the property at 523 Fairway Court, Glen Ellyn, Illinois, which is legally described as follows:

LOT 9 IN THE ENCLAVE OF GLEN OAK SUBDIVISION, BEING A SUBDIVISION OF THAT PART OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 27, 2017 AS DOC. NO. R2017-009819 IN THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS.

PIN: 05-12-313-058

Section Three: The granting of the construction necessitated variation is subject to the following conditions of approval:

1. That the pergola shall remain in its constructed location and in substantial conformance with the plans as submitted and the testimony presented at the June 22, 2021 Zoning Board of Appeals meeting and before the Village Board of Trustees including the following application and plans:

    a) The petitioner's application for a Zoning Variation signed and dated on April 9, 2021;
    b) The Plat of Survey, last revised June 3, 2021, attached hereto as Exhibit "B";
    c) The Pergola Details Plan, labeled A-2.1, dated October 20, 2019, attached hereto as Exhibit "C".

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

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

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

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this day of _____ , 20_____.

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of , 20_____.

_____
Village President

Attest:

_____
Village Clerk

AFFIX VILLAGE SEAL

(Published in pamphlet form and posted on the _____ day of _____.)

X:\Plandev\BUILDING\ZBA\5. VARIATION BY ADDRESS\F\FAIRWAY\Fairway 523\5. Meeting Materials\VB\523 Fairway-CNV- approve ORD final.doc

Village of Glen Ellyn

Ordinance No._____

An Ordinance Denying a Request for a Construction Necessitated Variation from the Accessory Structure Setback Requirements of the Zoning Code to Maintain a Pergola on the Property at 523 Fairway Court Glen Ellyn, IL 60137

Adopted by the
President and the Board of Trustees
Of the Village of Glen Ellyn
DuPage County, Illinois
This ____ Day Of _____, 20____ .

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

PREPARED BY AND MAIL TO:
VILLAGE OF GLEN ELLYN
ATTN: VILLAGE CLERK
535 DUANE STREET
GLEN ELLYN, IL 60137

Ordinance No._____

An Ordinance Denying a Request for a Construction Necessitated Variation from the Accessory Structure Setback Requirements of the Zoning Code to Maintain a Pergola on the Property at 523 Fairway Court Glen Ellyn, IL 60137

Whereas, Michael Fisher, owner of the property at 523 Fairway Court, Glen Ellyn, Illinois, which is legally described as follows:

LOT 9 IN THE ENCLAVE OF GLEN OAK SUBDIVISION, BEING A SUBDIVISION OF THAT PART OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 27, 2017 AS DOC. NO. R2017-009819 IN THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS.

PIN: 05-12-313-058

has petitioned the President and Board of Trustees of the Village of Glen Ellyn for a construction necessitated variation from the Glen Ellyn Zoning Code, Section 10-5-4(A)4b, to allow an accessory structure (pergola) within 10 feet of the principal structure to encroach 16.32 feet into the required rear yard, which results in a rear yard setback of approximately 23.68 feet in lieu of the required minimum 40 foot rear yard setback; and

Whereas, following due notice by publication in The Daily Herald not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all property owners within 250 feet of the subject property at least ten (10) days prior thereto, and following the placement of a placard on the subject property not less than fifteen (15) days prior thereto, the Glen Ellyn Zoning Board of Appeals conducted a public hearing on June 22, 2021, at which the petitioner presented evidence, testimony, and exhibits in support of the construction necessitated

variation request and zero (0) persons appeared in favor of the variation request and zero (0) persons appeared in opposition thereto; and

Whereas, based upon the evidence, testimony, and exhibits presented at the public hearing on June 22, 2021, the Zoning Board of Appeals adopted findings of fact and by a vote of three (3) “yes” and three (3) “no” votes the motion to approve the request did not carry, resulting in a recommendation that the construction necessitated variation be denied, as set forth in its draft Minutes dated June 22, 2021, appended hereto as Exhibit "A"; and

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

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

A. That the variation will be detrimental to the public comfort, morals, and welfare since granting the variation would set a precedent for other construction necessitated variations to be granted in the future; and

B. That the variation is not the minimum variation that will make possible the reasonable use of the land, building, or structure since the pergola could be located elsewhere on the property.

Whereas, the President and Board of Trustees, based on the aforementioned findings of fact, find it appropriate to deny the construction necessitated variation;

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

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

Section Two: Based upon the above findings of fact, the President and Board of Trustees hereby deny a construction necessitated variation from the Glen Ellyn Zoning Code, Section 10-5-4(A)4b, to allow an accessory structure (pergola) within ten feet of the principal structure to encroach 16.32 feet into the required rear yard, which results in a rear yard setback of approximately 23.68 feet in lieu of the required minimum 40 foot rear yard setback for the property at 523 Fairway Court, Glen Ellyn, Illinois, which is legally described as follows:

LOT 9 IN THE ENCLAVE OF GLEN OAK SUBDIVISION, BEING A SUBDIVISION OF THAT PART OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 27, 2017 AS DOC. NO. R2017-009819 IN THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS.

PIN: 05-12-313-058

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

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

Section Five: Failure of the owner or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of said

Ordinance, shall subject the owner or party in interest to the penalties set forth in Section 10-10-18 "A" and "B" of the Village of Glen Ellyn Zoning Code.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this day of _____ , 20_____.

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of , 20_____.

_____
Village President

Attest:

_____
Village Clerk

AFFIX VILLAGE SEAL

(Published in pamphlet form and posted on the _____ day of _____.)

X:\Plandev\BUILDING\ZBA\5. VARIATION BY ADDRESS\F\FAIRWAY\Fairway 523\5. Meeting Materials\VB\523 Fairway-CNV- deny ORD final.doc

DRAFT MINUTES
ZONING BOARD OF APPEALS
June 22, 2021

The meeting was called to order by ZBA Chairperson Gregory Constantino at 7:04 p.m. Zoning Board of Appeals Members Michelle Covington, Katie Crudele, Matt Jones, Chip Miller and Reed Panther were present. ZBA Member Tom Whalls was excused. Also present were Planning Manager Kelly Purvis, Trustee Liaison Anne Gould 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 June 4, 2021 and June 7, 2021.

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.

EMERGENCY RULES OF PROCEDURE

ZBA Member Jones moved, seconded by ZBA Member Covington, to approve the emergency rules of procedure. The motion was 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 Miller and ZBA Member Panther.

MINUTES

ZBA Member Crudele moved, seconded by ZBA Member Miller, to approve the minutes of the May 11, 2021 meeting. The motion was 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 Miller and ZBA Member Panther.

On the agenda were public hearings regarding the properties located at 551 Geneva Road, 85 Sunset Avenue and 523 Fairway Court.

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

A motion was made by ZBA Member Jones and seconded by ZBA Member Covington to open the public hearing for 551 Geneva Road at 7:11p.m. The motion was 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 Miller and ZBA Member Panther.

PUBLIC HEARING – 551 GENEVA ROAD

PETITIONER SUZANNE CARTY, ON BEHALF OF THE GLEN ELLYN HISTORICAL SOCIETY, IS REQUESTING A RECOMMENDATION OF APPROVAL OF THE FOLLOWING VARIATIONS FROM THE GLEN ELLYN ZONING CODE: 1. A VARIATION FROM 10-4-1(c) TO ALLOW ACCESSORY STRUCTURES (GARAGE, SHED, AND DRIVEWAY) TO REMAIN ON THE PROPERTY WITHOUT A PRINCIPAL STRUCUTRE AFTER THE PRINCIAPL STRUCUTRE IS EMOLISHED; 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.

(Suzanne Carty, on behalf of the Glen Ellyn Historical Society, owner of the property located at 551 Geneva Road).

Staff Presentation

Planning Manager Purvis was present to speak regarding the proposed variation request and was sworn in.

Planning Manager Purvis stated the petitioner is Suzanne Carty, on behalf of the Glen Ellyn Historical Society, owner of the property located at 551 Geneva Road. Mrs. Carty is the President of the Board of Directors for the Glen Ellyn Historical Society. The subject property and the properties to the immediate west and south are zoned R2-Residential District and improved with single-family homes. The lot to the immediate east is zoned C2-Community District and is the

location of Stacy's Tavern which is also owned by the GEHS. Stacy Park, zoned CR-Conservation Recreation District is to the north of the property.

Planning Manager Purvis stated the petitioner is requesting a recommendation of approval from the following variations from the Glen Ellyn Zoning Code:

1. A variation from 10-4-1(c) to allow accessory structures (garage, shed, and driveway) to remain on the property without a principal structure after the principal structure is demolished; 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.

Planning Manager Purvis stated the Village has no record of any variations being previously granted to this property. Planning Manager Purvis stated the Village has granted to following permits to this property: electric service, 1986; electric service, 1986; garage, 1995; sewage connection, 2012; sewer repair, 2014; clearwater compliance, 2014.

Planning Manager Purvis stated the Glen Ellyn Historical Society received the property located at 551 Geneva in 2014 as a gift to the organization. The original plan was for this property to be incorporated into the Museum Campus with a "period bard" or other structure to showcase Glen Ellyn's agricultural heritage and to provide storage for the museum. The petitioner has indicated that the GEHS is funded by private donations and that they do not have the means at this time to develop the property.

Planning Manager Purvis stated the principal structure was used as the home of the Society's Executive Director until 2018, when the house was found to have mild and structural issues, deeming the house uninhabitable. The petitioner has indicated that the cost of remediating the mold and fixing the underlying structural issues are prohibitively high, prompting the Glen Ellyn Historical Society to demolish the principal structure of the property. They would like to continue to get some benefit out of the property by using the existing garage and shed to store items that may be heavy or that need to be easily accessible for their staff.

Planning Manager Purvis stated the petitioner is proposing to demolish the principal structure located at 551 Geneva due to mold and structural issues while keeping the accessory structures on the property for storage. As shown on the Plat of Survey, the garage is approximately 450 square feet in area and 144 feet from the front lot line. The shed is 64 square feet in areas and is tucked behind the garage. Each of the accessory structures are complaint with the Zoning Code in terms of size. However, they are considered legally non-conforming due to their placement from the property line. The garage is 3.85 feet from the east lot line and the shed is 1.8 feet from the south lot line (at their closest points) where 5 feet is required.

Planning Manager Purvis stated the petitioner has indicated that the GEHS does not have funds available at this time to develop the property, but would like to keep the flexibility to sell the property in the future should they need to do so. They are therefore requesting a variation to allow the accessory structures to remain on the lot without a principal structure, rather than consolidating the lot with the

adjacent museum property. In addition to storage, the lot will occasionally be used in conjunction with the museum site for special events (as they currently do). The petitioner has stated that their current storage on the History Center property I s inadequate in size and infested with mice. Keeping the garage and shed located at 551 Geneva will give the Glen Ellyn Historical Society more room for storage, which is vital to their organization's mission (keeping the history of Glen Ellyn without having to incur greater expense for off-site storage.

Questions from the Zoning Board of Appeals

ZBA Member Covington asked if the lot can be used for fundraising needs. Planning Manager stated it can't be used for fundraising needs as it is zoned R2.

ZBA Member Crudele asked why the neighbors are concerned about it being rezoned. Member Crudele asked if this variation is approved if the zoning would change. Planning Manager Purvis stated the zoning will only change if a petition goes forward to the Plan Commission.

ZBA Member Jones asked if Village staff has any recommendations to keep this property zoned as R2 or to make it commercial. Planning Manager Purvis stated the Historical society would like to keep this property flexible and would like to have the option to sell the property in the future.

ZBA Member Jones asked if the lot can be consolidated to eliminate the need of the zoning variations. Planning Manager Purvis stated a consolidation cannot occur due to split ownership of the property. Planning Manager Purvis stated the Historical society would like to keep this property flexible and would like to have the option to sell the property in the future.

ZBA Member Panther asked if the house is too expensive to fix. Planning Manager Purvis stated she will let the petitioner speak to that questions.

ZBA Chairperson Constantino stated the ZBA is only discussing if an accessory structure can remain on the lot without a principal structure. ZBA Chairperson Constantino stated if the principal structure is removed, then a variation would be required to allow the accessory structure to remain. ZBA Chairperson Constantino stated the ZBA is not discussing future zoning of the property. ZBA Chairperson Constantino noted if the property is sold in the future, the property would need to come in compliance. Planning Manager Purvis confirmed this.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation was Suzanne Carty, petitioner on behalf of the Glen Ellyn Historical Society, owners of the property located at 551 Geneva Road.

Ms. Carty stated she believes this is a straight forward variation request. Ms. Carty stated the principal structure (the house) has mold all throughout it. Ms. Carty noted the house was built in the 1890's, and is actually two homes put together. Ms. Carty noted as well as mold, there are structural and sewer issues. Ms. Carty stated the circumstances around the property is unique, which is what

should allow the variation. Ms. Carty stated the property is right next to the Museum Campus and Stacy's Tavern. Ms. Carty stated at some point, the Historical Society would have liked to incorporate the subject property into the Museum Campus, but noted they do not have the money at this time. Ms. Carty stated the Historical Society is in need of storage that is readily available, which is why this property is perfect. Ms. Carty noted the Historical Society may be need to sell this property in the future. Ms. Carty stated the garage is reasonably set back and is in line with the neighbor's garage. Ms. Carty noted she understands that if the property is sold, the variations are removed and the property needs to come into compliance with the Village Code.

Additional Questions from the Zoning Board of Appeals

ZBA Member Jones asked which portion of the house was built in the 1890's. Ms. Carty stated she was unsure, but mentioned the house is two buildings that were put together. Ms. Carty stated the Historical Society would ideally fix the house, but they do not have the funds for that.

ZBA Member Jones asked if money was not an issue, if the Historical Society would be more inclined to tear down the house or to have it part of the Museum Campus. Ms. Carty stated if there were unlimited funds, this property would be included in the Museum Campus and work would be done to make it match Stacy's Tavern.

ZBA Member Jones asked if the long term goal is the sell the property and use that money for Stacy's Tavern. Ms. Carty confirmed this as a possibility.

ZBA Member Jones asked if the Historical Society has the funds to demolish the property. Ms. Carty confirmed they have these funds from a private donor.

ZBA Member Miller asked if the request is denied, where the Historical Society would store the items already in the shed and garage. Ms. Carty stated without this storage, the Historical Society would run out of storage space and would have to purchase off-site storage.

ZBA Member Panther asked if any of the storage is outside of the shed or garage. Ms. Carty stated all storage is inside, and they would intend to update landscaping with period gardens.

ZBA Member Panther asked if there will be any parking and/or event parking on site. Ms. Carty stated they will continue to use the property for parking, as done is the past.

ZBA Chairperson Constantino asked if the Historical Society is comfortable with the condition that if the property is sold, the property would need to come into compliance with the Zoning Code. Ms. Carty confirmed they are comfortable with this condition.

Persons in Favor of or in Opposition to the Variation Requests

None.

Findings of Fact

ZBA Member Panther stated the following findings of fact: the subject property is located at 551 Geneva Road; the subject property is an interior lot on the south side of Geneva Road between N. Main Street and Highland Avenue; the property is currently zoned as R2 with a mix of zoning districts surrounding the property; the petitioner is Suzanne Carty, on behalf of the Glen Ellyn Historical Society; the petitioner is requesting a recommendation of approval of the following variations of the Glen Ellyn Zoning Code: 1. A variation from 10-4-1(c) to allow accessory structures (garage, shed and driveway) to remain on the property without a principal structure after the principal structure is demolished; the property was gifted to the Glen Ellyn Historical Society in 2014; the Village owns the property to the east (Stacy's Corner); the garage and shed and considered legal non-conforming; the garage has a 0 foot impervious surface setback and is also considered legal non-conforming; the house is in disrepair with structural and mold issues; it is prohibitively expensive to repair; there is a petition of support from the neighbors and the neighbors have expressed interest in keeping the property zoned R2; staff recommended to add a clause to the approval that the property be brought into compliance with the Zoning Code if sold.

ZBA Member Panther continued the findings of fact: petitioner Suzanne Carty stated there are mold and structural issues to the house; two buildings were combined to make one structure, which has also caused structural issues; Ms. Carty has no objection to the approval clause noted by staff; the Historical Society is in need of the storage provided by the shed and garage.

Motion

ZBA Member Covington moved, seconded by ZBA Member Crudele that the Zoning Board of Appeals recommend to approve the Findings of Fact. The motion was 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 Miller and ZBA Member Panther.

Additional Comments from the Zoning Board of Appeals

ZBA Member Covington stated she is in support of the request with the proposed condition.

ZBA Member Crudele stated she is in support of the request with the proposed condition.

ZBA Member Jones stated residents have noted they would like the zoning of this property to stay R2 and noted if the property is sold or incorporated into the Museum Campus, it would likely change the zoning. ZBA Member Jones stated the Historical Society would like to sell of build on the property and noted either would bring the demolition of the garage. ZBA Member Jones stated this is a temporary fix the storage problem and that he is not in favor of the request.

ZBA Member Miller stated this is the definition of a unique request and noted of the gems in Glen Ellyn uses this space for storage. ZBA Member Miller stated he is in support with the proposed condition.

ZBA Member Panther stated he is in favor of the request with the proposed condition. ZBA Member Panther noted there is not real hardship, but noted this is a unique circumstance.

ZBA Chairperson Constantino stated he is in support of the request with the proposed condition. ZBA Chairperson Constantino stated this is an unique circumstance and noted the Historical Society is unable to consolidate the lots and that it is too costly to repair and too costly to obtain off-site storage.

Motion

A motion was made by ZBA Member Crudele and seconded by ZBA Member Covington to close the public hearing for 200 N. Montclair Avenue at 7:51 p.m. The motion was 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 Miller and ZBA Member Panther.

A motion was made by ZBA Member Miller and seconded by ZBA Member Crudele as follows:

Having considered the application of Suzanne Carty, on behalf of the Glen Ellyn Historical Society, owner of the property located at 551 Geneva Rd., Glen Ellyn, for a zoning variation from Section 10-4-1(C) to allow a driveway, garage and shed to remain on the property without a principal structure, 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 June 22, 2021, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following hardship(s) or unique circumstance(s):

1. This property is unique in its location next to the Stacy's Tavern Museum Campus and that it was gifted to the Glen Ellyn Historical Society.

2. The existing home is in a non-usable and non-livable condition and needs to be demolished.

3. The existing on-site garage and shed are used for storage by the Glen Ellyn Historical Society and without the storage on this property, the Historical Society will run out of space and would need to start renting off-site storage.

Subject to the following conditions:

1. The project shall be constructed in substantial conformance with the plans as submitted and the testimony presented at the June 22, 2021 public hearing of the Zoning Board of Appeals.

2. If the property is sold or transferred, the legal nonconforming structures must be removed to be

brought into complaisance to the Village Code.

The motion was carried with 5 "yes" votes and 1 "no" vote. The "yes" votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington, ZBA Member Crudele, ZBA Member Miller and ZBA Member Panther. The "no" votes are as follow: ZBA Member Jones.

A motion was made by ZBA Member Jones and seconded by ZBA Member Crudele to open the public hearing for 85 Sunset Avenue at 7:54 p.m. The motion was 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 Miller and ZBA Member Panther.

PUBLIC HEARING – 85 SUNSET AVENUE

PETITIONER MICHAEL FOLTZ IS REQUESTING A RECOMMENDATION OF APPROVAL OF THE FOLLOWING VARIATIONS FROM THE GLEN ELLYN ZONING CODE: 1. A VARIATION FROM SECTION 10-5-5(C) OF THE ZONING CODE TO ALLOW AN IMPERVIOUS SURFACE SETBACK OF 3 FEET 3 INCHES WHERE AN IMPERVIOUS SETBACK OF 5 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 A PUBLIC MEETING OF THE VILLAGE BOARD.

(Michael Foltz, Manager of 85 Sunset LLC and owner of the property located at 85 Sunset Avenue).

Staff Presentation

Planning Manager Purvis was present to speak regarding the proposed variation request and was sworn in.

Planning Manager Purvis stated the petitioner is Michael Foltz, manager of 85 Sunset LLC, which owns the property located at 85 Sunset Avenue. The subject property is an interior lot located on the east side of Sunset Avenue between Sunset Court and Fairview Avenue. The subject property and all surrounding properties are zoned R2 – Single Family Residential District and are all improved with single-family homes.

Planning Manager Purvis stated the petitioner is requesting a recommendation of approval from the following variations from the Glen Ellyn Zoning Code:

1. A variation from Section 10-5-5(C) of the Zoning Code to allow an impervious surface setback of 3 feet 3 inches where an impervious setback of 5 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 at a public meeting of the Village Board.

Planning Manager Purvis stated Village records indicate that there are no previous variations granted

to this property. Planning Manager Purvis stated the following permits have been issued for the property: Plumbing, 1975; Roof Addition, 1975; Tool shed, 1977; Plumbing, 1983; Driveway Approach, 1997; Sewer Repair, 2002; Sewer Clean Out, 2002; Fence, 2003; Sewage Connection, 2018; SFH Demolition, 2018; SFH New Construction, 2018; Lawn Sprinkler Installation, 2020.

Planning Manager Purvis stated the subject property is approximately 1-acre in size with a lot width of 144 feet. The property owners designed the attached garage to allow their John Deere tractor to enter and exit from the side of the garage (the tractor is 6.5 feet long and 4.5 feet wide without any attachments). The side door of the garage, which is located on the southeast side of the garage, measures only 8 feet 11 inches. The petitioner has indicated that the garage door width provides very little room to maneuver when moving the tractor from the garage to the front driveway. In the attached letter, the applicant's contractor stated that when the tractor was delivered to the site, they noticed right away that the tractor could not make a zero-turn radius from the side garage door onto the walk as originally planned. He admits that he suggested moving the sidewalk 36 inches south of the original (approved/permitted) location while also maintaining the 6-foot wide sidewalk to allow enough room for the tractor to travel on. The contractor also indicates, if the walk was maintained at its original location, 6 feet 3 inches from the south lot line, the home owner would not be able to use the walk as originally intended without the risk of hitting the side of the garage when pulling the tractor in and out and potentially damaging the grass and tacking mud into the garage. These suggested field changes resulted in the sidewalk being installed in the side yard approximately 3 feet 3 inches from the property line, which deviates from the 5-foot setback required for this lot. Note, impervious surface requirements are based upon a sliding scale percentage of the lot width. For single family lots, the 5 foot setback is the maximum requirement for impervious surfaces.

Planning Manager Purvis stated the petitioner is proposing to maintain the sidewalk/impervious surface in its existing location per the attached Final Grading Plan. According to the contractor, allowing the sidewalk to remain will allow the safe travel of the tractor in and out of the garage and provide enough room to accommodate the intended stormwater swale for impervious surfaces.

Planning Manager Purvis stated per Section 10-10-12 of the Glen Ellyn Zoning Code, the petitioner is requesting approval of a construction necessitated zoning variations from the Zoning Code to allow form the maintenance of an existing walkway with a 3 feet 3 inches impervious surface setback. In order for the walkway to remain, the abovementioned variation will need to be granted. Petitioners of support for the variation request were received from the property owners at 81 Sunset Avenue (adjacent lot the south), 90 Sunset Avenue (adjacent property to the west), and 75 Sunset Avenue (one lot south of neighbor).

Questions from the Zoning Board of Appeals

ZBA Member Jones asked if this was a 50 foot wide lot, would the impervious setback be 1 foot. Planning Manager Purvis confirmed this.

ZBA Member Jones asked if there was any difference in the Zoning Code between a sidewalk and driveway. Planning Manager Purvis stated they are considered the same in the Village Code in regards to impervious surface.

ZBA Chairperson Constantino asked if there are any drainage or stormwater concerns. Planning Manager Purvis stated the property has a drywell and swale and noted Senior Civil Engineer McKenna has reviewed the plans had has no stormwater concerns.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation Michael Foltz, Manager of 85 Sunset LLC and owner of the property located at 85 Sunset Avenue; Tracy D. Kasson, petitioner's attorney; Brian P. Casey, petitioner's architect.

Mr. Foltz stated the side door on the garage is to be used for both the tractor and as well as a wheelchair ramp. Mr. Foltz stated if the sidewalk is moved closer to the garage, the tractor wheels would be on the swale and would potentially impact the use of the swale. Mr. Foltz stated the side door on the garage provides the most effective means to using the tractor. Mr. Foltz stated the sidewalk has been placed in the current location to allow for easy snow removal during the winter months. Mr. Foltz stated there are no issues with their neighbors. Mr. Foltz also noted the setback requirement was missed and he was unware that due to the lot size he would need a larger setback.

Mr. Kasson stated this property leads to practical difficulties and a unique circumstance. Mr. Kasson stated the lot size requires a larger impervious surface setback requirement. Mr. Kasson stated the requested variation is needed to accommodate the tractor and wheelchair use. Mr. Kasson stated the request will not alter the character of the neighborhood and noted there is neighbor support to leave the sidewalk where is. Mr. Kasson also stated this variation request will preserve the current landscaping on the property.

Additional Questions from the Zoning Board of Appeals

ZBA Member Crudele asked if the need to use the wheelchair would provide a safety concern/hardship. Mr. Foltz noted the home was built to accommodate his wife's needs and noted she is unable to use stairs.

ZBA Member Miller asked if a wheelchair is able to make the turn on the original planned sidewalk. Mr. Foltz stated his is correct and there is no issues with the wheelchair using the sidewalk as originally planned. Mr. Foltz stated the principal use of the side door on the garage will be for the tractor, which will be used to clear snow for use of the wheelchair.

ZBA Chairperson Constantino if the decision to move the concrete/sidewalk was made once it was realized the tractor would not make the turn as originally planned. Mr. Casey confirmed this.

Persons in Favor of or in Opposition to the Variation Requests

None.

Findings of Fact

ZBA Member Panther stated the following findings of fact: the subject property is located at 85 Sunset Avenue; the subject property is an interior lot located on the east side of Sunset Avenue between Sunset Court and Fairview Court; the subject property and all surrounding properties and zoned R2 and are all improved with single-family homes; the petitioner is Michael Foltz, manager of 85 Sunset LLC, which owns the subject property; the petitioner is requesting a variation for a construction necessitated zoning variation from Section 10-5-5(C) to allow an existing impervious surface to remain on the property approximately 3 feet 3 inches from the property line where 5 feet is required the property is approximately 1 acre with a 114 foot lot width; the approve plan had a sidewalk running along the south side of the wall; during construction it was realized the tractor could not make the turning radius out of the rear garage door to the sidewalk; the contractor shifted the sidewalk 3 feet 3 inches to the south to accommodate the turning radius of the tractor; there are letters of support for the neighbors, including the neighbor directly next to the subject property; the impervious surface setback is based on a sliding scale with the max setback of 5 feet; the removal of 1 foot 9 inches would bring the sidewalk into compliance.

ZBA Member Panther continued the findings of fact: Michael Foltz; Tracy Kasson and Brian Casey were present for the petitioner's presentation; the petitioners stated the sidewalk was designed for tractor and wheelchair access; the sidewalk was designed to keep mud and dirt out of the garage as well as protect the swale; the hardship is created by the impervious surface sliding scale; the sidewalk could remain as is if it was built on a 90 foot lot; the garage was part of the original construction of the home and not part of the addition.

Motion

ZBA Member Covington moved, seconded by ZBA Member Jones that the Zoning Board of Appeals recommend to approve the Findings of Fact. The motion was 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 Miller and ZBA Member Panther.

Additional Comments from the Zoning Board of Appeals

ZBA Member Covington stated she is leaning toward not approving this request. ZBA Member Covington stated the only unique circumstance regarding the property is that a homeowner's use of a wheelchair. ZBA Member Covington noted the wheelchair is able to make the turn from the garage as originally planned. ZBA Member Covington stated she does not see the hardship related to the request.

ZBA Member Crudele stated she in on the fence with this request. ZBA Member Crudele stated this request was reviewed by the Village's Senior Civil Engineer, and there were no concerns regarding

stormwater. ZBA Member Crudele stated a hardship is created by the need of a homeowner to use a wheelchair.
ZBA Member Jones stated he is in favor of this request. ZBA Member Jones noted the sidewalk is not build right on the lot line and stated their neighbor is in support of the request. ZBA Member Jones stated the variation request is minimal. ZBA Member Jones stated a lot width of 120 feet is not common, which makes this a unique circumstance. ZBA Member Jones also stated the ZBA has approved variation request similar to this in the past.

ZBA Member Miller stated this is an impervious surface issue, not just a lot line issue. ZBA Member Miller stated a wheelchair can fit through the garage and sidewalk with the original plans. ZBA Member Miller stated he understands the most efficient way to get the tractor out of the garage is the side door, but noted that is not a hardship.

ZBA Member Panther stated he agrees with the comments made by ZBA Member Miller. ZBA Member Panther stated he is not in favor of this request as he does not see a hardship.

ZBA Chairperson Constantino stated he agrees with the comments made by ZBA Member Jones. ZBA Chairperson Constantino stated the lot size creates a unique circumstance. ZBA Chairperson Constantino stated the Village's Senior Civil Engineer did not have any stormwater concerns and noted he would like to reduce the amount of time the tractor needs to be on the swale. ZBA Chairperson Constantino also noted there is neighbor support of the request. ZBA Chairperson Constantino stated he is in favor of the request.

ZBA Member Covington stated she is not in favor of this request.

ZBA Member Crudele stated she is in favor of this request.

ZBA Chairperson Constantino explained to the petitioner that as the vote currently stands, the motion will not pass, but the variation will still be considered by the Village Board.

A ten minute break was observed between 8:52 p.m. and 9:02 p.m. to allow the petitioners to discuss the vote and next steps.

Mr. Kasson stated the sidewalk was not made wider and noted it was just moved. Mr. Kasson noted the drywell and swale will remain in the same location and noted there are no concerns from the Village's Senior Civil Engineer. Mr. Kasson stated the neighbors are in support of this request. Mr. Kasson also noted the current location of the sidewalk maximizes the best use of the tractor.

<u>Motion</u>

A motion was made by ZBA Member Miller and seconded by ZBA Member Crudele to close the public hearing for 85 Sunset Avenue at 9:02 p.m. The motion was 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 Miller and ZBA Member Panther.

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

Having considered the application of Michael Foltz, owner of the property located at 85 Sunset, Glen Ellyn, for a construction necessitated zoning variation from Section 10-5-5(C) to allow an existing impervious surface to remain on the property approximately 3 feet 3 inches from the property line where 5 feet is required, 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 June 22, 2021, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following hardship(s) or unique circumstance(s):

1. The lot size dictates a greater setback than a smaller lot.

2. Moving the sidewalk to the location in the approved plans will impact the stormwater swale as the tractor will need to drive on it, and this may cause potential drainage issues.

Subject to the following conditions:

1. The project shall be constructed in substantial conformance with the plans as submitted and the testimony presented at the June 22, 2021 public hearing of the Zoning Board of Appeals.

2. The concrete walkway must be maintained.

3. The dry well on the property must be maintained.

The motion was not carried with 3 "yes" votes and 3 "no" vote. The "yes" votes are as follow: ZBA Chairperson Constantino, ZBA Member Crudele and ZBA Member Jones. The "no" votes are as follow: ZBA Member Covington, ZBA Member Miller and ZBA Member Panther.

A motion was made by ZBA Member Panther and seconded by ZBA Member Covington to open the public hearing for 639 Newton Avenue at 9:10 p.m. The motion was 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 Miller and ZBA Member Panther.

PUBLIC HEARING – 523 FAIRWAY COURT

PETITIONER MICHAEL FISHER IS REQUESTING A RECOMMENDATION OF APPROVAL OF THE FOLLOWING VARIATIONS FROM THE GLEN ELLYN ZONING CODE: 1. SECTION 10-5-4(A)4b TO ALLOW AN ACCESSORY STRUCTURE (PERGOLA) WITHIN 10 FEET OF THE PRINCIPAL STRUCTURE TO ENROACH 16.23 FEET INTO THE REAR YARD, WHICH RESULTS IN A REAR YARD SETBACK OF APPROXIMATLEY 23.68 FEET IN LIEU OF THE REQUIRED MINIMUM 40 FOOT YARD SETBACK; 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.

(Michael Fisher, owner of the property located at 523 Fairway Court).

Staff Presentation

Planning Manager Purvis was present to speak regarding the proposed variation request and was sworn in.

Planning Manager Purvis stated the petitioner is Michael Fisher, owner of the property located at 523 Fairway Court. The subject property is a corner lot on the north and east side of Fairway Court, just west of Cumnor Avenue. The subject property, as well as all surroundings properties, are zoned R2 – Residential District and improved with single-family homes.

Planning Manager Purvis stated the petitioner is requesting a recommendation of approval from the following variations from the Glen Ellyn Zoning Code:

1. Section 10-5-4(A)4b to allow an accessory structure (pergola) within 10 feet of the principal structure to encroach 16.23 feet into the rear yard, which results in a rear yard setback of approximately 23.68 feet in lieu of the required minimum 40 foot rear yard setback; 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.

Planning Manager Purvis stated Village records indicate that no variations have been previously granted to this property. Planning Manager Purvis stated the Village has granted the following permits to this property: New Home Construction, 2019; Patio and Retaining Wall, 2019; Irrigation, 2020; Sump Pump Connection, 2020.

Planning Manager Purvis stated the petitioner submitted a building permit application on October 1, 2019 for construction of a pergola, patio and retaining wall. Staff issued the first review of the proposed improvements on October 23, 2019 requesting additional information about the pergola (among other things). A second review of the proposed improvements was issued on November 14, 2019 noting that the location of the proposed pergola was not compliant with the Village Code. On November 23, 2019 the petitioner's architect submitted a review response letter to the Village indicating that the pergola had been removed from the permit application, and the property owners would be seeking a variation to construct the pergola. The plans were then approved by Village staff on December 9, 2019. A variation application to allow the pergola to be constructed on the property within 10 feet of the principal structure was not submitted to staff. A final inspection of the property was performed in February of 2021 in an attempt to close out the permit. At that time, staff noted that the pergola had been constructed without the granting of a variation. The property owner was contacting by staff on February 18, 2021 and given a deadline for submission of a Construction Necessitated Zoning Variation application.

Planning Manager Purvis stated the subject property has a 10-foot wide stormwater management easements that runs through the rear yard and corner side yard at an angle that limits the usable area of the property. The principal structure is constructed up to the 40 foot rear yard setback, and the pergola is approximately 5.6 feet from the house. The Zoning Code requires that all accessory structures within 10 feet of a principal structure meet the same required setback as the principal structure. In other words, because the pergola is within 10 feet of the house, it needs to meet the minimum setback requirements of the principal structure (40 feet from the rear lot line, 30 feet from the front lot line and 10 feet from the side lot lines). Pergolas are permitted to encroach into any required yard, provided there are 10 feet from the principal structure and at least 10 percent of the lot width from any property line.

Planning Manager Purvis stated the petitioner has indicated that a unique circumstance exists due to the stormwater management easement that runs diagonally across the property. The pergola has been constructed as close to the easement as it can be. It is approximately 23.7 feet from the rear lot line (encroaching 16.23 feet into the required rear yard). The pergola is 210 square feet in area and 10 feet tall. Outside of its placement on the property, it is otherwise compliant with the Zoning Code.

Planning Manager Purvis stated the petitioner is requesting to maintain the pergola in its existing location. A variation from Village Code Section 10/5/4(A)4b would need to be granted in order to allow the petitioner to keep the pergola in its current location. Without the granting of the variation, the petitioner will need to remove to pergola. It could be reconstructed in a compliant location on the property. Property owners of eight adjacent properties submitted petitions of support of the variation request.

Questions from the Zoning Board of Appeals

ZBA Member Jones asked if a PUD was put in place when this development was being built. Planning Manager Purvis stated there was not.

ZBA Member Miller asked in which direction the water flows. Planning Manager Purvis stated the water flows from the northeast to the southwest from Cumnor Ave.

ZBA Member Panther noted the patio encroaches into the stormwater easement and asked if that was allowed. Planning Manager Purvis stated that the patio should have not been built there but also note Senior Civil Engineer McKenna has allowed the patio to remain as is.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation was Michael Fisher, owner of the property located at 523 Fairway Court, and Kevin Wallace, petitioner's landscaper.

Mr. Fisher stated he purchased this new construction in November of 2019. Mr. Fisher stated the patio and pergola was a significant component of why his family purchased the home. Mr. Fisher stated the patio was designed with shade as the main priority. Mr. Fisher stated all work was done

through a builder and landscaper. Mr. Fisher stated he was unware of the stormwater easement when they purchased the home, and noted the swale take up 20 percent of usable land in the back of the home. Mr. Fisher stated he was under the impression everything was approved by the Village and he was never made aware of the variation requirement for the patio and pergola. Mr. Fisher stated it will take approximately $20,000 to tear down and rebuild the pergola. Mr. Fisher stated he was surprised and concerned to learn that the permits were not approved by the Village, and once he learned there was an issue, he immediately started working with Village staff to resolve it. Mr. Fisher also noted he has support from 8 direct neighbors. Mr. Fisher also noted without the patio and pergola, his family will not be able to enjoy the backyard in the summer.

Mr. Wallace stated when the pergola was denied by the Village, he was aware a variation would be needed to allow the pergola to be built as proposed. Mr. Wallace stated when the patio permit was issued, it also allowed the footings of the pergola to be installed. Mr. Wallace stated this was not an error by the builders or homeowners but stated it was 100 percent his fault. Mr. Fisher stated his office dropped the ball regarding the variation. Mr. Wallace stated this is the only placement that the patio and pergola can be built due to the stormwater easement.

Additional Questions from the Zoning Board of Appeals

ZBA Member Covington asked if the builder lied to the Fisher's regarding the permits. Mr. Fisher stated he had full trust in the building to handle all permits. Mr. Fisher stated clearly there was not effective communication with him and the building, and didn't think to ask if all permits were approved.

ZBA Chairperson Constantino asked if Mr. Fisher saw the email between Village staff and the architect where it was noted the pergola has been removed from the application. Mr. Fisher stated he was never aware of that email. Mr. Fisher stated during the buying process, he visited the property on several occasions. Mr. Fisher stated during the visits, he discussed the design of the pergola and took the advice he was given at face value. Mr. Fisher stated during this process, he was never made aware of the issues surrounding the pergola.

ZBA Member Miller asked who hired the architect. Mr. Fisher stated the landscapers did.

ZBA Chairperson Constantino asked when Mr. Fisher closed on the property of the home was completed. Mr. Fisher stated it was not complete, but had a temporary certificate of occupancy.

ZBA Member Covington asked if any other ideas were explored to provide shade (trees, patio furniture, etc.) Mr. Wallace stated the pergola is the only option that was explored. Mr. Fisher stated there are two large bushes that were installed to help reduce sunlight from the west, but noted there is not relief from the sunlight from above. Mr. Fisher also noted they have a patio umbrella to help create shade.

Persons in Favor of or in Opposition to the Variation Requests

None.

Findings of Fact

ZBA Member Panther stated the following findings of fact: the subject property is 523 Fairway Court; the subject property is a corner lot on the north and east side of Fairway Court, just west of Cumnor Avenue; the subject property, as well as all surrounding properties, are zoned R2 and improved with single-family homes; the property owner is Michael Fisher, owner of the property; the petitioner is requesting a construction necessitated zoning variation from Section 10-5-4(A)4b to allow an existing pergola on the property to remain within 10 feet of the principal structure and to encroach 16.23 feet into the required rear yard resulting in a setback of approximately 23.68 feet where 40 feet is required; this is a new home construction with a permit issued in 2019; a permit application for the pergola was submitted in 2019 and staff noted the location of the proposed pergola was not compliant with the Village Code, and the architect indicated that the pergola had been removed for the permit application and that the property owner would be seeking a variation to construct the pergola; a permit for the construction was issue and upon final inspection staff realized the pergola had been installed with no permit or variation request; a stormwater management easement runs diagonally across the property limiting the location where accessory structures can be placed; the pergola is 5.6 feet from the house and 210 square feet and 10 feet tall; if the pergola was located 10 feet away from the principal structure the structure would be complaint.

ZBA member Panther continued the findings of fact: petitioner Michael Fisher purchased the home in November of 2019; the improvements to the home, including the patio and pergola, were agreed to with the builder prior to purchasing the home; he was not aware of the emails from the architect stating the pergola would be removed and a variation would be request.

ZBA Member Panther continued the findings of fact: the petitioner's landscaper, Kevin Wallace, stated his company designed the patio and pergola; the footings were installed with the patio; the pergola was built without a permit or zoning variation request;; the cost to tear the pergola down would be approximately $4,000 to $5,000 and to move the pergola would cost approximately $20,000.

ZBA Member Panther continued the findings of fact: petitioner Suzanne Carty stated there are mold

Motion

ZBA Member Covington moved, seconded by ZBA Member Jones that the Zoning Board of Appeals recommend to approve the Findings of Fact. The motion was 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 Miller and ZBA Member Panther.

Additional Comments from the Zoning Board of Appeals

ZBA Member Covington stated this is a tough decision because the variation request is coming to the ZBA after the fact. ZBA Member Covington stated it is difficult to believe that with all individuals who were involved in this process, nobody asked the question if this was approved. ZBA Member Covington stated she sees the challenge that there is no other location to build the patio and pergola.

ZBA Member Crudele stated she agrees with the statements made by ZBA Member Covington. ZBA Member Crudele stated it is upsetting there was email communication stating the pergola has been removed from the plan just to have it built. ZBA Member Crudele did note the property and land leads to a unique circumstance. ZBA Member Crudele stated she is in favor of the request due the land/shape of the lot.

ZBA Member Jones stated he agrees with the statements made by ZBA Member Covington and Crudele. ZBA Member Jones stated if this request came to the ZBA before the pergola was built, he would be in favor of it.

ZBA Member Miller stated it is a dangerous precedent to set to approve this request. ZBA Member Miller stated he would if this request came to the ZBA before the pergola was built that he would be in favor of it. ZBA Member Miller stated he is not in favor of the request due to the fact that it was built without a permit.

ZBA Member Panther stated if this request came to the ZBA before the pergola was built, he would be in favor of it. ZBA Member Panther stated there is a hardship due to the land and swale easement. ZBA Member Panther stated he is in favor of the request, but noted it was frustrating that the pergola was built without the required permits.

ZBA Chairperson Constantino stated he is upset that nobody involved caught this error. ZBA Chairperson Constantino stated they went through the permit process, and should have known a problem existed. ZBA Chairperson Constantino stated if the request was brought to the ZBA before the pergola was built, he would be in favor of it. ZBA Chairperson Constantino stated he is overall not in favor of this request.

ZBA Member Covington stated she is not in favor of this request and is concerned about the precedent it would set to have the ZBA approve this request.

Motion

A motion was made by ZBA Member Miller and seconded by ZBA Member Covington to close the public hearing for 523 Fairway Court at 10:20 p.m. The motion was 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 Miller and ZBA Member Panther.

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

Having considered the application of Michael Fisher, owner of the property located at 523 Fairway Ct., Glen Ellyn, for a construction necessitated zoning variation from Section 10-5-4(A)4b to allow an existing pergola on the property to remain within 10 feet of the principal structure and to encroach 16.23 feet into the required rear yard resulting in a setback of approximately 23.68 feet where 40 feet is required, 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 June 22, 2021, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following hardship(s) or unique circumstance(s):

1. House sits on an existing non-conforming corner lot causing the inability to add a second story without zoning relief. They are not increasing the footprint of the property.

The motion was not carried with 3 "yes" votes and 3 "no" vote. The "yes" votes are as follow: ZBA Member Crudele, ZBA Member Jones and ZBA Member Panther. The "no" votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington and ZBA Member Miller.

Staff Report

Planning Manager Purvis stated there is one case in que that may come to the ZBA in July. Planning Manager Purvis stated there are a few applications in process, but not ready to be brought to the ZBA. Planning Manager Purvis also stated a new Planner will be starting on July 7.

Trustee Liaison Report

Trustee Gould stated the Village Board met to discuss the Streetscape project and lane configuration. Trustee Gould stated the moratorium on cannabis was extended to allow the new trustees to get up to speed on the issue.

Adjournment

At 10:32 p.m. a motion was made by ZBA Member Miller and seconded by ZBA Member Panther to adjourn the meeting. The motion was 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 Miller and ZBA Member Panther

Lindsey Kaminsky
Recording Secretary

GISConsortium | 523 Fairway Ct.

0 100 200 ft

Print Date: 6/8/2021

Notes

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GISConsortium | 523 Fairway Ct. Zoning Map

Legend

Zoning and Development

Zoning

CR: Conservation/Recrea District

R2: Single Family Residential District

0 200 400 ft

Print Date: 6/15/2021

Notes

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

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APPLICATION FOR ADMINISTRATIVE ZONING VARIATION

For the property at **523 Fairway Court** Glen Ellyn, IL 60137

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

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

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

I. APPLICANT INFORMATION:

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

Name: **Michael Fisher**

Address: **523 Fairway Court, Glen Ellyn, IL 60137**

Phone No.: **312-909-0025**

Fax No.:

E-mail: **michaelbfisher@gmail.com**

Ownership Interest in the Property in Question:

100%

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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? (MARK "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? (MARK "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.

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III. PROPERTY INFORMATION:

Common address: **523 Fairway Court**

Permanent tax index number: **05-12-313-058**

Legal description:

Lot 9 in the enclave of Glen Oak Subdivision, being a subdivision of that part of the southwest quarter of Section 12, Township 39 North, Range 10 East of the third principal. Meridian according to the plat therefore recorded Jan. 27, 2017 as Doc. no R2017-009819 in the Village of Glen Ellyn, DuPage County, ILLINOIS.

Zoning classification: **R2 R2017-009819 in the Village of Glen Ellyn, DuPage County, Illinois**

Lot size: **102.65** ft. x **125.49** ft. Area: **11,797** sq. ft.

Present use: **Residential - Single Family**

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 seeking a variation from Village Code 10-5-4(A) 4b stating that accessory structures less thatn ten feet from a principal structure shall observe the same setbacks as the principal on the zoning lot.

Estimated date to begin construction: _____

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

Anthony Montalto, Architect
304 Oak Street
Glen Ellyn, IL 60137

IL Licence # 001-017248

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

The following items are intended to elicit information to support conclusions by Village staff 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:

There is a 10' wide stormwater management easement through the rear yard that limits the placement of the proposed pergola (currently against the easement).

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):

The entire rear yar is 40', which is also the mid reg'd rear yard. The easement is unique to this property.

OR

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

The combination if the minimum rear yard and the 10' easement limits how far off the prinicpal property an acessory structure can be placed.

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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 210 SF pergola is 5' off the principal structure and up against the easement. The pergola comples with all zoning & building codes outside the variance. It will be constructed of high quality materials consistant with the patio and out door landscaping

B. For the purpose of supplementing the above standards, Village staff, in making their decision 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 placement of accessory structures, like the proposed pergola, is limited by the storm water management easement. the exsisting patio doors further limit the locations available.

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 lot is compliant, however, this lot in particuliar has a 10' stormwater management easement that cuts through the rear and front yards for approx 1,340 SF of the lot.

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 pergola is for owner usability of the patio and not for speculative gain. This is a very typical amenity.

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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 easement was created during the subdivision developemtn and not by the owner.

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 pergola is a common amenity and will be constructed of the higest quality. The structure will blend with the quality and design of the house and patio.

6. Provide evidence that the proposed variation will not:

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

The 10' tall structure is 29'-3" from the adjacement structure & will have no impact to light or air.

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

The pergola is an open-air structure with no sourse for fire or other hazard.

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

Proposed pergoal is a common accessory structure allowed in Glen Ellyn. No negative impact.

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d. Diminish or impair property values within the neighborhood;

The structure is a desired, well designed amenity and will in no way lessen property values.

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

The structure is for owner use and will have no impact to trafic on Fairway Court.

f. Create a nuisance; or

Structure is of highest quality and is in keeping with the patio and principal structure.

g. Results in an increase in public expenditures.

Proposed pergola will have no financial impact to the public in any way.

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

Applicant is requesting a minor variation which would allow the pergola to be approximately 5' away from the primary structure due to the stormwater easement.

8. Please add any comments which may assist Village staff in reviewing this application.

Applicant is not requesting any variance to the size or height of the pergola. Applicant is not proposing any modification to the water flow or easement. Applicant has recieved positive support from the adjacent neighbors for the variation.

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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 Administrative Variation Application and applicable provisions of the Glen Ellyn Zoning Code.

Date	Print Name	Signature of Applicant
4/9/2021	Michael B Fisher	
4/9/2021	Ken H. Wallace	

OWNERSHIP BY A CORPORATION

CLEAR PAGE

Date: _____

Address: _____

Legal Description: _____

LIST ALL SHAREHOLDERS AND OFFICERS/DIRECTORS (AND % OF INTEREST OWNED IN EXCESS OF 5% OF STOCK)

Name: _____ Address: _____ %_____

Name: _____ Address: _____ %_____

Name: _____ Address: _____ %_____

Name: _____ Address: _____ %_____

Name: _____ Address: _____ %_____

Name: _____ Address: _____ %_____

Name: _____ Address: _____ %_____

Name: _____ Address: _____ %_____

Name: _____ Address: _____ %_____

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Name: _____ Address: _____ %_____

Name: _____ Address: _____ %_____

Name: _____ Address: _____ %_____

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OWNERSHIP BY LAND TRUST

Date: _____

Address: _____

Legal Description:

TRUSTEE: _____ TRUST NO._____

Address: _____

LIST ALL BENEFICIARIES:

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

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Name: _____ Address: _____

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Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

AFFIDAVIT OF AUTHORIZATION

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I, Michael B Fisher owner of the property described as:

523 Fairway Ct.
Glen Ellyn, IL 60137

verify that Kevin Wallace is duly authorized to apply and represent my interests for approval of an administrative zoning variation with the Glen Ellyn Village staff. Owner acknowledges that any notice given applicant is actual notice to owner.

OWNER SIGNATURE

Subscribed and sworn to before me this 9th day of April, 2021

Christina M Cassidy
Notary Public

CHRISTINA M CASSIDY
OFFICIAL SEAL
Notary Public, State of Illinois
My Commission Expires
February 01, 2025

Affidavit Affirming No Conflict of Interest

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

1. My name is Kevin Wallace, and I hold the position of President of Addlawn Landscaping Contractor of Patio for Michael Fisher ("***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: Kevin Wallace

Title: President

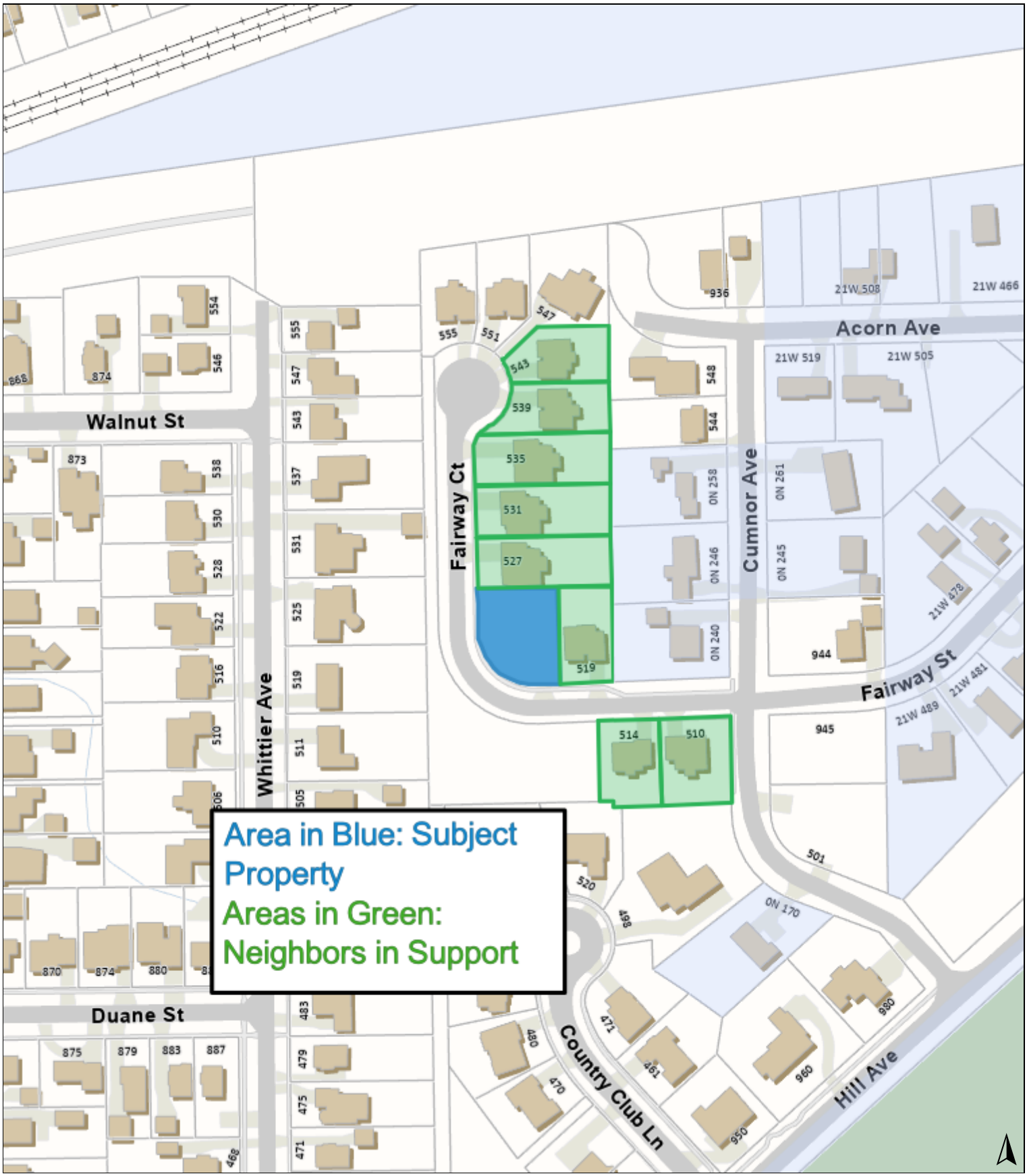
Applicant's Name: Michael B Fisher

Subscribed and sworn to me this 9th day of April, 2021.

Christina M Cassidy
Notary Public

CHRISTINA M CASSIDY
OFFICIAL SEAL
Notary Public, State of Illinois
My Commission Expires
February 01, 2025

GISConsortium | 523 Fairview Ct.



0 200 400 ft

Print Date: 6/10/2021

Notes

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March 28, 2021

Village of Glen Ellyn, Building and Zoning Department
Attn: Katie Ashbaugh, AICP
535 Duane Street
Glen Ellyn, IL 60137
(630) 547-5249

Re: 523 Fairway Court. – Construction Necessitated Zoning Variation request to allow for the construction of a Pergola; Section VI, #7: Neighbor Signature Petition in Support of Variation Request

Dar Katie,

The undersigned neighbors are in support of the variation request to allow the construction of the pergola in the rear yard setback of 523 Fairway Ct:

510 Fairway Ct

Signed: DocuSigned by: F940CF0C85F742F...
Printed Name: Timothy Wojcik
Date Signed: March 28, 2021

Signed: DocuSigned by: 086C62E73F234F6...
Printed Name: Catherine Wojcik
Date Signed: March 28, 2021

514 Fairway Ct

Signed: DocuSigned by: David D. Headrick DECD6BCD7845486...
Printed Name: David Headrick
Date Signed: March 30, 2021

519 Fairway Ct

Signed: DocuSigned by: Chris Nolda 347B1B25C0544CE...
Printed Name: Chris Nolda
Date Signed: April 5, 2021

Signed: DocuSigned by: 2009C118F0154F8...
Printed Name: Erica Nolda
Date Signed: March 29, 2021

527 Fairway Ct

Signed: DocuSigned by: 5F515A8D25414B2...
Printed Name: Brian Burgess
Date Signed: March 29, 2021

Signed: DocuSigned by: 64870104FB8645A...
Printed Name: Kelly Burgess
Date Signed: March 28, 2021

531 Fairway Ct

Signed: DocuSigned by: 8C2C850209E34D2...
Printed Name: Brian Magnan
Date Signed: March 30, 2021

Signed: DocuSigned by: 0537CACD4F8B401...
Printed Name: Tiffany Magnan
Date Signed: March 29, 2021

535 Fairway Ct

Signed: DocuSigned by: Jared Wickstrom 91F0E43C79E34F4...
Printed Name: Jared Wickstrom
Date Signed: March 28, 2021

Signed: DocuSigned by: 25B2001A4EA2433...
Printed Name: Liz Wickstrom
Date Signed: April 5, 2021

539 Fairway Ct

Signed: DocuSigned by: Michael Laramie 19EE184F59AC437...
Printed Name: Mike Laramie
Date Signed: March 29, 2021

Signed: DocuSigned by: EF68477815094BE...
Printed Name: Lauren Laramie
Date Signed: March 29, 2021

543 Fairway Ct

Signed: DocuSigned by: William Carlson ED2F4CFB0CEF451...
Printed Name: Bill Carlson
Date Signed: March 29, 2021

Signed: DocuSigned by: Kim Donovan 1336DCA9F3E647C...
Printed Name: Kim Donovan
Date Signed: March 29, 2021

Thank you for your and the variance committee's consideration.

Sincerely,

DocuSigned by: Michael Fisher 872117E7E019465...

Michael Fisher
523 Fairway Ct.
Glen Ellyn, IL 60137
(312) 909-0025
michaelbfisher@gmail.com

Certificate Of Completion

Envelope Id: 6B614185770A4C0EB427D05FC2DF0A01
Status: Completed
Subject: Please DocuSign: Fisher pergola petition
EnvelopeType:
Source Envelope:
Document Pages: 3
Signatures: 16
Certificate Pages: 7
Initials: 0
AutoNav: Enabled
EnvelopeId Stamping: Enabled
Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Envelope Originator:
Mike Fisher
221 Main Street
Suite 1000
San Francisco, CA 94105
mike.fisher@docusign.com
IP Address: 199.73.106.99

Record Tracking

Status: Original
3/28/2021 7:14:58 PM

Holder: Mike Fisher
mike.fisher@docusign.com

Location: DocuSign

Signer Events	Signature	Timestamp
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Chris Nolda chris.nolda@gmail.com Security Level: Email, Account Authentication (None)	DocuSigned by: Chris Nolda 347B1B25C0544CE... Signature Adoption: Pre-selected Style Using IP Address: 24.14.186.89 Signed using mobile	Sent: 3/28/2021 7:41:52 PM Viewed: 4/5/2021 5:28:45 AM Signed: 4/5/2021 5:30:16 AM
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Kelly Burgess richter.kelly@gmail.com Security Level: Email, Account Authentication (None)	DocuSigned by: 64870104FB8645A... Signature Adoption: Drawn on Device Using IP Address: 73.50.8.107 Signed using mobile	Sent: 3/28/2021 7:41:52 PM Viewed: 3/28/2021 7:42:15 PM Signed: 3/28/2021 7:42:48 PM
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Michael Fisher mike.fisher@docusign.com Strategic Account Director DocuSign, Inc. Security Level: Email, Account Authentication (None) **Electronic Record and Signature Disclosure:** Not Offered via DocuSign	DocuSigned by: Michael Fisher 872117E7E019465... Signature Adoption: Pre-selected Style Using IP Address: 199.73.106.99	Sent: 3/28/2021 7:41:53 PM Viewed: 3/28/2021 7:42:23 PM Signed: 3/28/2021 7:42:37 PM
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Timothy T Wojcik timothy.wojcik@gmail.com Security Level: Email, Account Authentication (None) **Electronic Record and Signature Disclosure:**	DocuSigned by: F940CF0C85F742F... Signature Adoption: Drawn on Device Using IP Address: 67.167.116.5 Signed using mobile	Sent: 3/28/2021 7:41:53 PM Viewed: 3/28/2021 8:14:59 PM Signed: 3/28/2021 8:15:15 PM

Signer Events	Signature	Timestamp
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William Carlson Wcarl4808@gmail.com 1-7082184601 Security Level: Email, Phone, Account Authentication (None)	DocuSigned by: William Carlson ED2F4CFB0CEF451... Signature Adoption: Pre-selected Style Using IP Address: 76.16.179.35	Sent: 3/28/2021 7:41:47 PM Viewed: 3/29/2021 5:37:11 AM Signed: 3/29/2021 5:37:25 AM

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In Person Signer Events	Signature	Timestamp

Editor Delivery Events	Status	Timestamp

Agent Delivery Events	Status	Timestamp

Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp

Witness Events	Signature	Timestamp

Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
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Signing Complete	Security Checked	3/29/2021 5:37:25 AM
Completed	Security Checked	4/5/2021 6:04:33 AM

Payment Events	Status	Timestamps

Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

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You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:
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221 Main St.,
Suite 1000
San Francisco, CA 94105

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Required hardware and software

Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)

PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	Allow per session cookies

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PLAT OF SURVEY

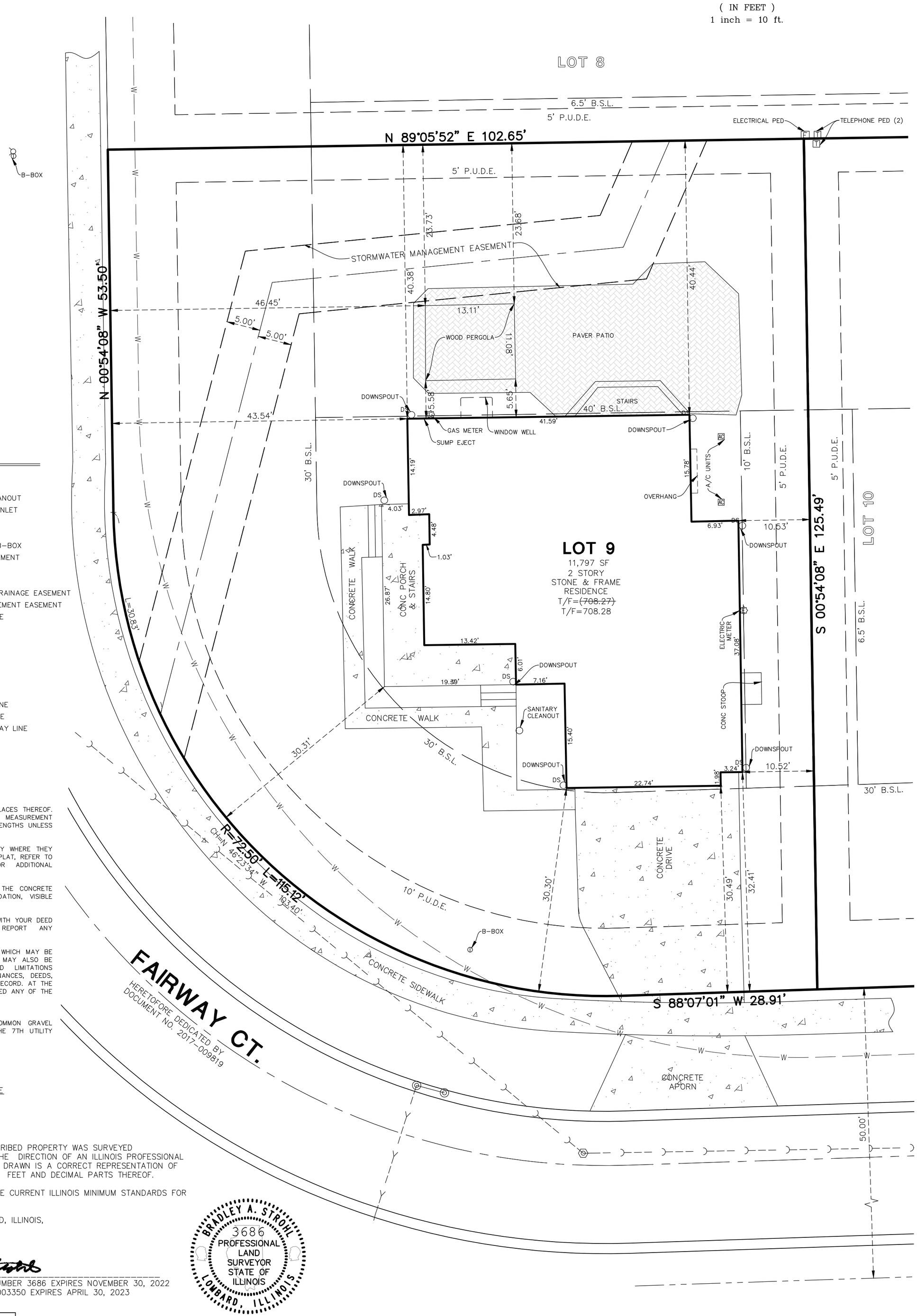
LOT 9 IN THE ENCLAVE OF GLEN OAK SUBDIVISION, BEING A SUBDIVISION OF THAT PART OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 27, 2017 AS DOC. NO. R2017-009819 IN THE VILLAGE OF GLEN ELLYN, DuPAGE COUNTY, ILLINOIS.

PIN 05-12-313-058

GRAPHIC SCALE

10 0 5 10 20 40

(IN FEET)
1 inch = 10 ft.



LEGEND

	SANITARY MANHOLE
	STORM MANHOLE
	STORM/SANITARY CLEANOUT
	CATCH BASIN/STORM INLET
	VALVE AND VAULT
	FIRE HYDRANT
	WATER SERVICE BOX/B-BOX
I.E.E.	INGRESS/EGRESS EASEMENT
U.E.	UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
P.U.D.E.	PUBLIC UTILITY AND DRAINAGE EASEMENT
S.W.M.E.	STORM WATER MANAGEMENT EASEMENT
B.S.L.	BUILDING SETBACK LINE
TF =	TOP OF FOUNDATION
TC =	TOP OF CURB
725.0	EXISTING GRADES
~~725.2~~	PROPOSED GRADES
	CENTER LINE
	BOUNDARY LINE
	EXISTING EASEMENT LINE
	BUILDING SETBACK LINE
	EXISTING RIGHT-OF-WAY LINE
	EXISTING LOT LINE

GENERAL NOTES:

1. DISTANCES ARE MARKED IN FEET AND DECIMAL PLACES THEREOF. NO DIMENSION SHALL BE ASSUMED BY SCALE MEASUREMENT HEREON. CURVED LINES ARE DENOTED WITH ARC LENGTHS UNLESS OTHERWISE NOTED.
2. BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO DEPICTED ON THE RECORDED SUBDIVISION PLAT, REFER TO YOUR DEED OR CERTIFICATE OF TITLE FOR ADDITIONAL ENCUMBRANCES.
3. BUILDING DIMENSIONS AND TIES ARE SHOWN TO THE CONCRETE FOUNDATION. EXCEPT FOR THE CONCRETE FOUNDATION, VISIBLE IMPROVEMENTS HAVE NOT BEEN SHOWN.
4. COMPARE THE LEGAL DESCRIPTION ON THIS PLAT WITH YOUR DEED OR CERTIFICATE OF TITLE; IMMEDIATELY REPORT ANY DISCREPANCIES TO THE SURVEYOR.
5. THIS SURVEY IS SUBJECT TO MATTERS OF TITLE, WHICH MAY BE REVEALED BY A CURRENT TITLE REPORT. THERE MAY ALSO BE ADDITIONAL TERMS, POWERS, PROVISIONS AND LIMITATIONS CONTAINED IN AN ABSTRACT DEED, LOCAL ORDINANCES, DEEDS, TRUSTS, COVENANTS OR OTHER INSTRUMENTS OF RECORD. AT THE CLIENTS REQUEST, THE SURVEYOR HAS NOT REVIEWED ANY OF THE ABOVE DOCUMENTS.
6. SITE BENCHMARK:
   SET IRON ROD AT THE EAST END OF THE COMMON GRAVEL DRIVEWAY APPROXIMATELY 60 FEET NORTH OF THE 7TH UTILITY POLE.
   ELEVATION=697.36.

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
)SS
COUNTY OF DUPAGE)

THIS IS TO CERTIFY THAT THE ABOVE DESCRIBED PROPERTY WAS SURVEYED BY MANHARD CONSULTING, LTD., UNDER THE DIRECTION OF AN ILLINOIS PROFESSIONAL LAND SURVEYOR AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY. ALL DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

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

GIVEN UNDER MY HAND AND SEAL AT LOMBARD, ILLINOIS,
THIS 3RD DAY OF JUNE, A.D., 2021.

BY: Bradley A. Strohl

ILLINOIS PROFESSIONAL LAND SURVEYOR NUMBER 3686 EXPIRES NOVEMBER 30, 2022
PROFESSIONAL DESIGN FIRM NUMBER 184-003350 EXPIRES APRIL 30, 2023

BRADLEY A. STROHL
3686
PROFESSIONAL LAND SURVEYOR
STATE OF ILLINOIS
LOMBARD, ILLINOIS

SETBACK REQUIREMENTS					
FRONT	30 FEET	SIDE	30FT W /10FT E	REAR	40 FEET

Manhard CONSULTING LTD
700 Springer Drive, Lombard, IL 60148 ph:630.621.3500 fx:630.621.3535 manhard.com
Civil Engineers • Surveyors • Water Resource Engineers • Water & Wastewater Engineers
Construction Managers • Environmental Scientists • Landscape Architects • Planners

DATE	REVISIONS	DRAWN BY	CHECK BY
04-02-19	REVISED PER VILLAGE OF GLEN ELLYN COMMENTS	JCM	
04-22-19	REVISED GRADING , T/F, G/F, AND GARAGE FL	MCE	
05/28/19	FOUNDATION LOCATION	RC	
10/24/19	CLOSING SURVEY	RC	
04/14/21	UPDATE SURVEY	BAS	
06/03/21	ADDED DIMENSIONS TO PERGOLA	BAS	

PROJ MGR: BAS
PROJ ENG: MCE
DRAWN BY: BAS
DATE: 2/14/18
SCALE: 1" = 10'

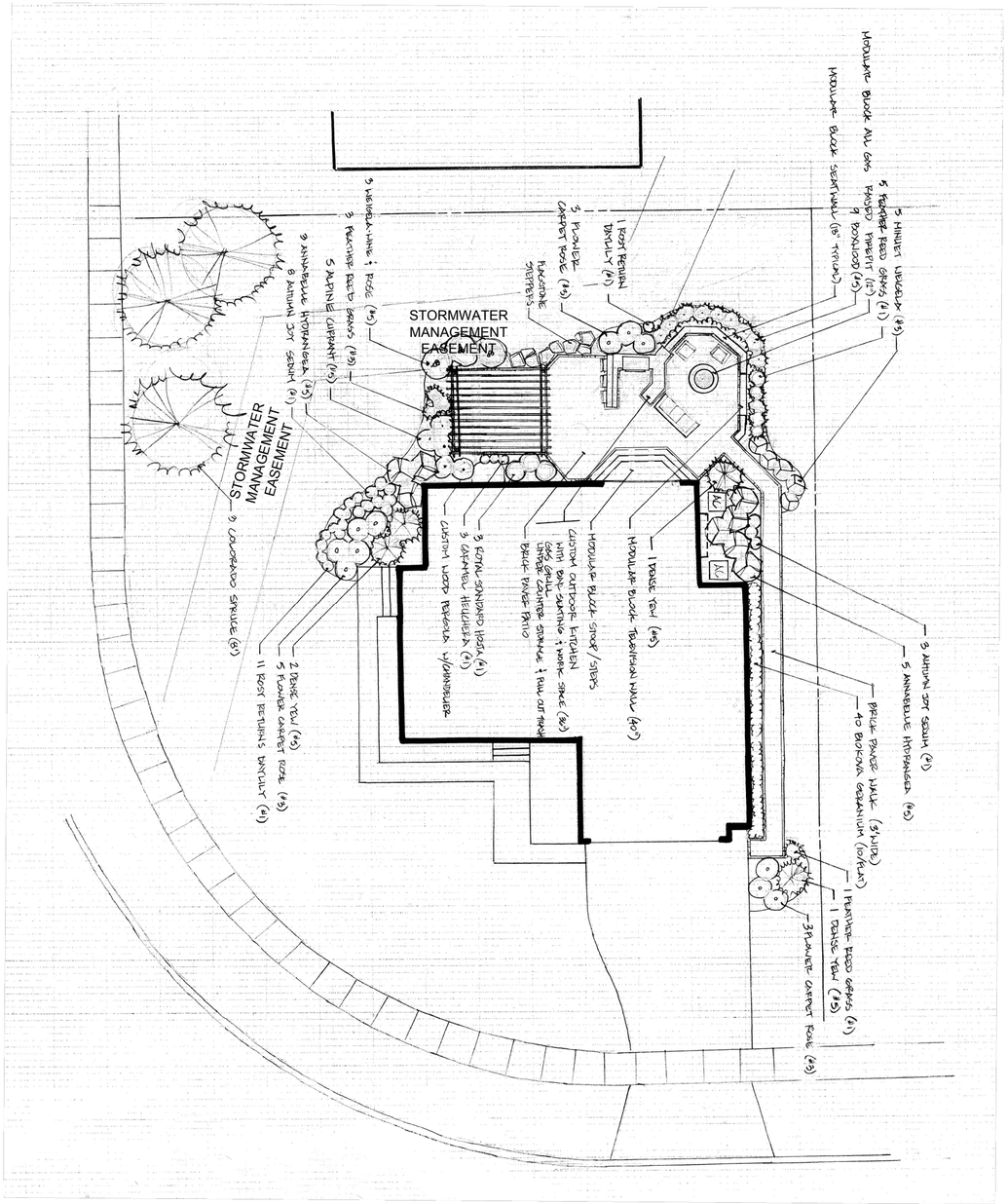
THE ENCLAVE OF GLEN OAK - NITTI DEVELOPMENT, LLC
LOT 9
523 FAIRWAY COURT
GLEN ELLYN, ILLINOIS

SHEET 1 OF 1
KFWGE/NDLGEIL01

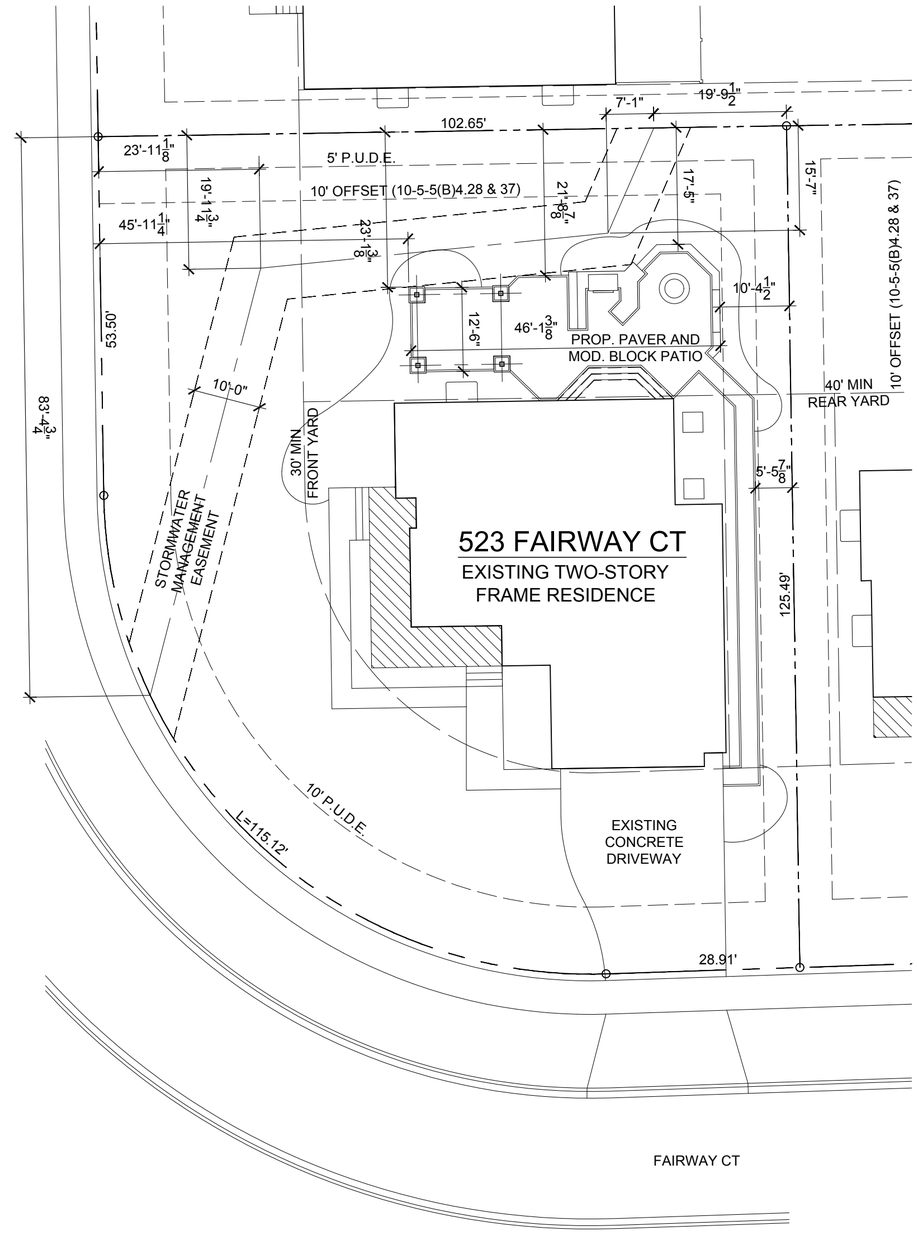
2010 MANHARD CONSULTING, LTD. ALL RIGHTS RESERVED

PATIO SCOPE APPROVED UNDER PERMIT APPLICATION #20192541.

*VARIANCE APPLICATION FOR PERGOLA STRUCTURE.



2 SITE PLAN LANDSCAPE
SCALE: 1/16"=1'-0" FOR REFERENCE ONLY



1 SITE PLAN PROPOSED
SCALE: 1/16"=1'-0"

LANDSCAPE GENERAL NOTES:

1. VERIFY ALL LOT LINES PRIOR TO LAYOUT.
2. ALL EXISTING PLANT MATERIAL ON THE SITE SHALL BE REMOVED PRIOR TO SITE DEVELOPMENT, UNLESS OTHERWISE NOTED. "E" INDICATES EXISTING.
3. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR BEING FAMILIAR WITH ALL UNDERGROUND UTILITIES AND STRUCTURES. CALL JULIE PRIOR TO DIGGING.
4. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY COORDINATION WITH SUBCONTRACTORS AND / OR SUPPLIERS AS REQUIRED TO ACCOMPLISH PLANTING AND HARDSCAPE OPERATIONS.
5. IT IS THE CONTRACTORS RESPONSIBILITY TO FURNISH PLANTS FREE OF PESTS AND/OR DISEASE.
6. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR ALL CARE ASSOCIATED WITH PLANT MATERIAL INCLUDING WATERING WHILE ON SITE.
7. ALL PLANT MATERIAL WITHIN A SPECIES SHALL HAVE MATCHING FORM, UNLESS OTHERWISE NOTED.
8. ALL NEW PLANTING BEDS AND PLANT MATERIAL SHALL BE COVERED WITH SHREDDED HARDWOOD MULCH.
9. ALL PLANTING BE3DS SHALL RECEIVE A SPADE CUT EDGE, UNLESS OTHERWISE NOTED.
10. ALL EXISTING DRAINAGE PATTERNS SHALL BE MAINTAINED AS TO NOT CAUSE STORMWATER RUNOFF TO NEIGHBORING PROPERTIES.

DRAWING No.: G - 0.2
REFERENCE: NA
SCALE: 1/16"=1'-0"
DATE: 10.20.2019

PROJECT: SAVAGE FISHER RESIDENCE
523 FAIRWAY CT
GLEN ELLYN, IL 60137

TITLE: PROPOSED SITE PLAN

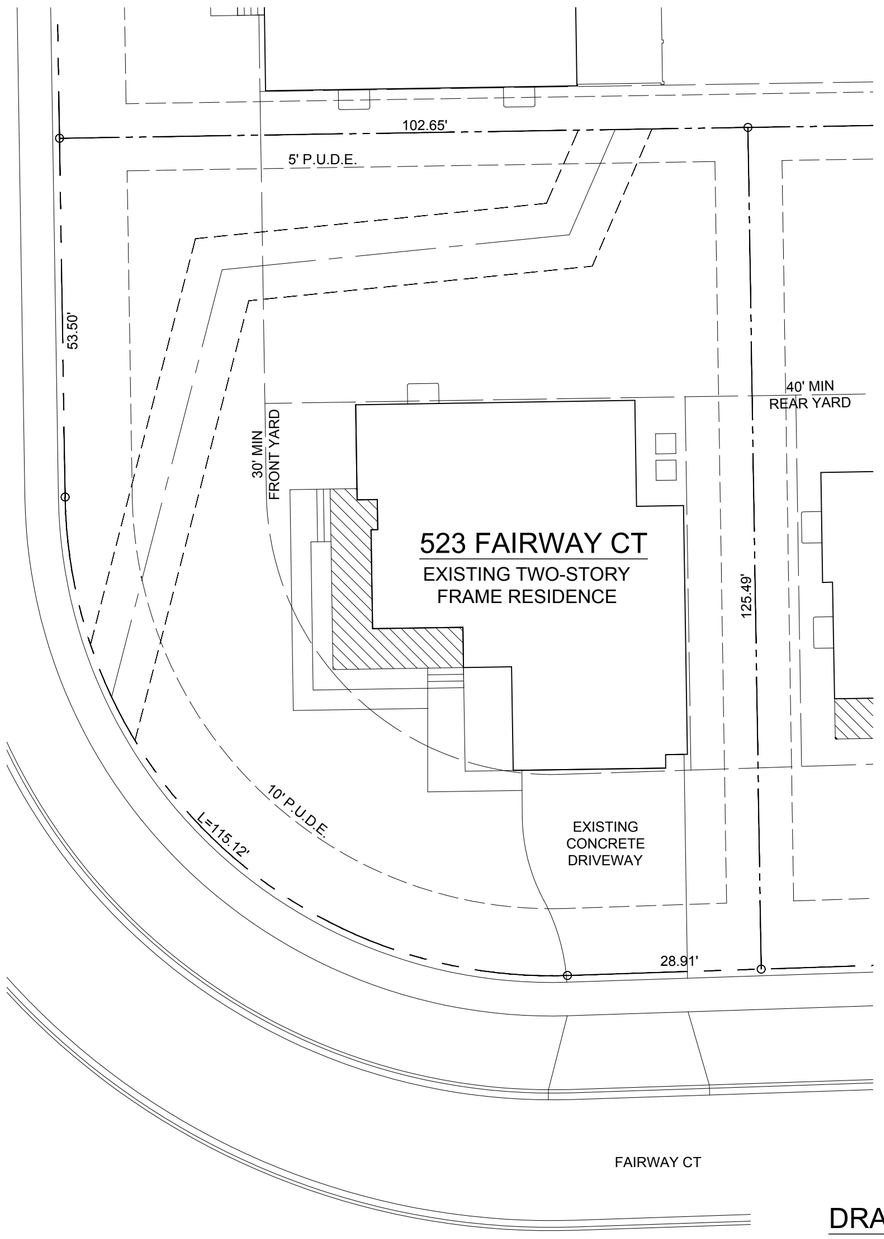
ARCHITECT
Anthony Montalto
304 Oak St
Glen Ellyn, IL 60137
Telephone 312.882.5990
Fax 773.687.9185
IL LIC #: 001-017248

ADDLAWN LANDSCAPING, INC
607 W Winthrop Ave
Addison, IL 60101
Telephone 630.543.9130

SAVAGE FISHER RESIDENCE
523 FAIRWAY CT

GLEN ELLYN, IL 60137

NEW PATIO CONSTRUCTION



1 SITE PLAN EXISTING
SCALE: 1/16"=1'-0"

N

OWNER

SAVAGE FISHER
523 FAIRWAY CT.
GLEN ELLYN, IL 60137

ARCHITECT

ANTHONY MONTALTO, ARCHITECT
304 OAK ST
GLEN ELLYN, IL 60137

LANDSCAPE DESIGN & CONSULTATION

ADDLAWN LANDSCAPING
607 W WINTHROP AVE
ADDISON, IL 60101

PROJECT DESCRIPTION

GRADING AND PREPARATION OF EXISTING REAR YARD FOR A NEW PAVER PATIO, NEW PAVER AND MODULAR STONE STOOP AND STEPS, NEW STONE EDGE SEATING LEDGE, STACKED STONE WALL, BUILT IN FIREPIT, AND STACKED STONE OUTDOOR KITCHEN.

APPROVED UNDER PERMIT APPLICATION #20192541.

*VARIANCE APPLICATION FOR PERGOLA STRUCTURE.

ZONING INFORMATION AND REGULATIONS

	DISTRICT: R-2		LOT AREA: 11,797.00 SF		
10-4-8	MINIMUM LOT FRONTAGE	REQ'D	50'	PROP.	NO CHANGE
10-4-8	MIN LOT SIZE	REQ'D	8,712 SF	EXIST.	11,797.00 SF
10-4-8	MAX LOT COVERAGE	20%	2,766.45 SF	EXIST.	2,685.85 SF **
10-4-8	MIN LOT WIDTH	REQ'D	66'	PROP.	NO CHANGE *
10-4-8	MIN LOT DEPTH	REQ'D	110'	PROP.	NO CHANGE *
10-4-8	MIN FRONT YARD STBK	REQ'D	30'	PROP.	NO CHANGE *
10-4-8	MIN INT SIDE YD STBK	REQ'D **	30' W / 10' E	PROP.	NO CHANGE *
10-4-8	MIN REAR YARD STBK	REQ'D	40'	PROP.	NO CHANGE *
10-4-8	IMPERVIOUS AREA - REAR	50% OR LESS OF REQ'D	1,180.02 SF	PROP.	821.18 SF *

* See site plan
** Covered areas only.

DRAWING INDEX

G-0.1 TITLE SHEET
G-0.2 PROPOSED SITE PLAN

A-1.0 PROPOSED PLAN: PATIO
A-1.1 PROPOSED PLAN: FRAMING

A-2.0 TYPICAL DETAILS
A-2.1 PERGOLA DETAILS

I hereby certify that these plans were prepared by or under my direct supervision and to the best of my professional knowledge and belief conform to the applicable building codes and ordinances, including the applicable Village of Glen Ellyn Building and Zoning Codes.

Architect: Anthony Montalto, Architect

By:

Name: Anthony Montalto #001-017248

Its: Principal

LICENSED ARCHITECT
ANTHONY O. MONTALTO
001-017248
STATE OF ILLINOIS

Expires: 11 / 30 / 2020

Affix Original Professional Wet-Ink Seal Here

DRAWING No.: G - 0.1
REFERENCE: NA
SCALE: 1/16"=1'-0"
DATE: 10.20.2019

PROJECT: SAVAGE FISHER RESIDENCE
523 FAIRWAY CT
GLEN ELLYN, IL 60137

TITLE: TITLE SHEET

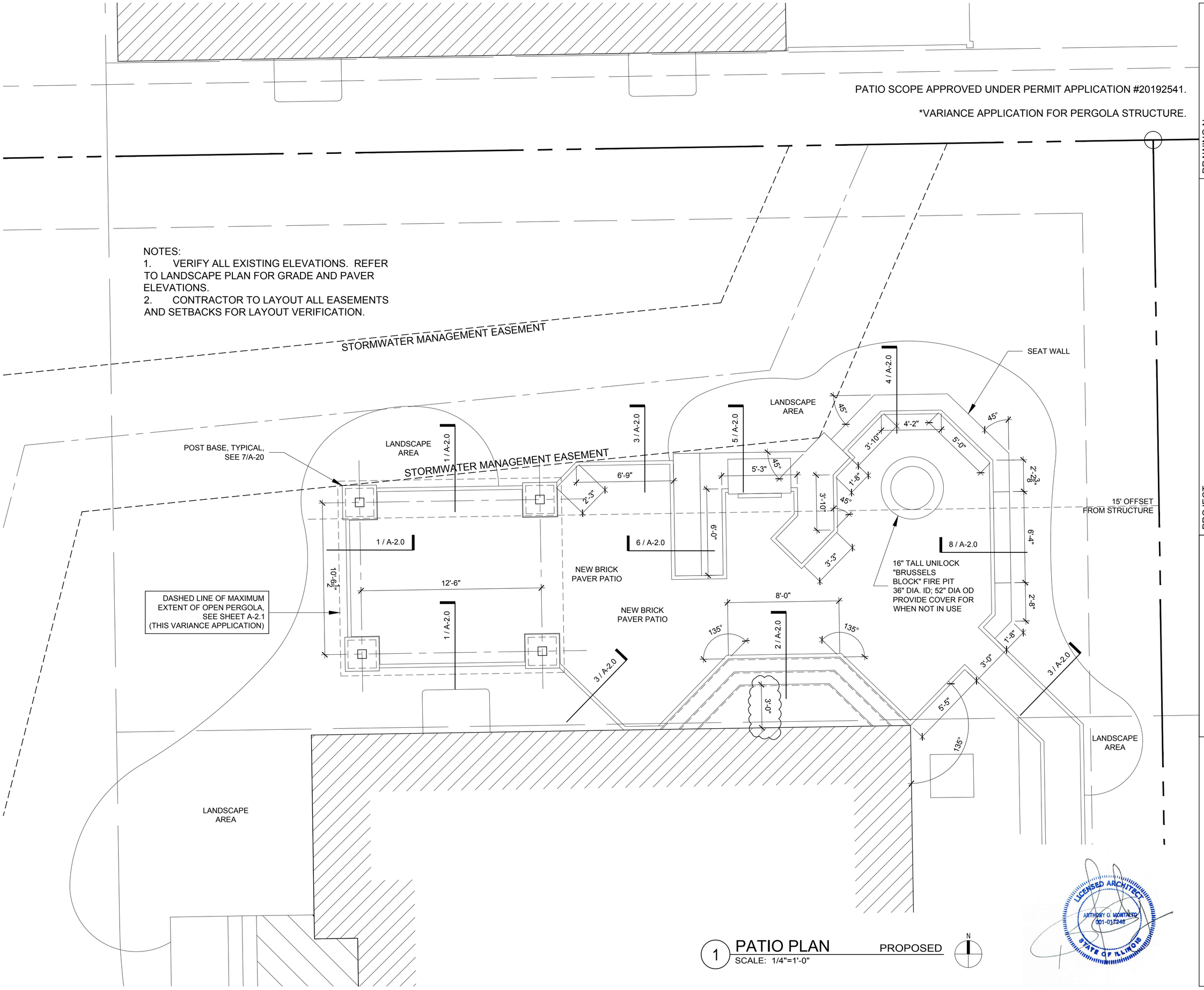
ARCHITECT
Anthony Montalto
304 Oak St
Glen Ellyn, IL 60137
Telephone 312.882.5990
Fax 773.687.9185
IL LIC #: 001-017248

ADDLAWN LANDSCAPING, INC
607 W Winthrop Ave
Addison, IL 60101
Telephone 630.543.9130

PATIO SCOPE APPROVED UNDER PERMIT APPLICATION #20192541.

*VARIANCE APPLICATION FOR PERGOLA STRUCTURE.

NOTES:
1. VERIFY ALL EXISTING ELEVATIONS. REFER TO LANDSCAPE PLAN FOR GRADE AND PAVER ELEVATIONS.
2. CONTRACTOR TO LAYOUT ALL EASEMENTS AND SETBACKS FOR LAYOUT VERIFICATION.



1 PATIO PLAN PROPOSED
SCALE: 1/4"=1'-0"

LICENSED ARCHITECT
ANTHONY O. MONTALTO
001-017248
STATE OF ILLINOIS

DRAWING No.: A - 1.0
REFERENCE: NA
SCALE: 1/4"=1'-0"
DATE: 10.20.2019

PROJECT: SAVAGE FISHER RESIDENCE
523 FAIRWAY CT
GLEN ELLYN, IL 60137

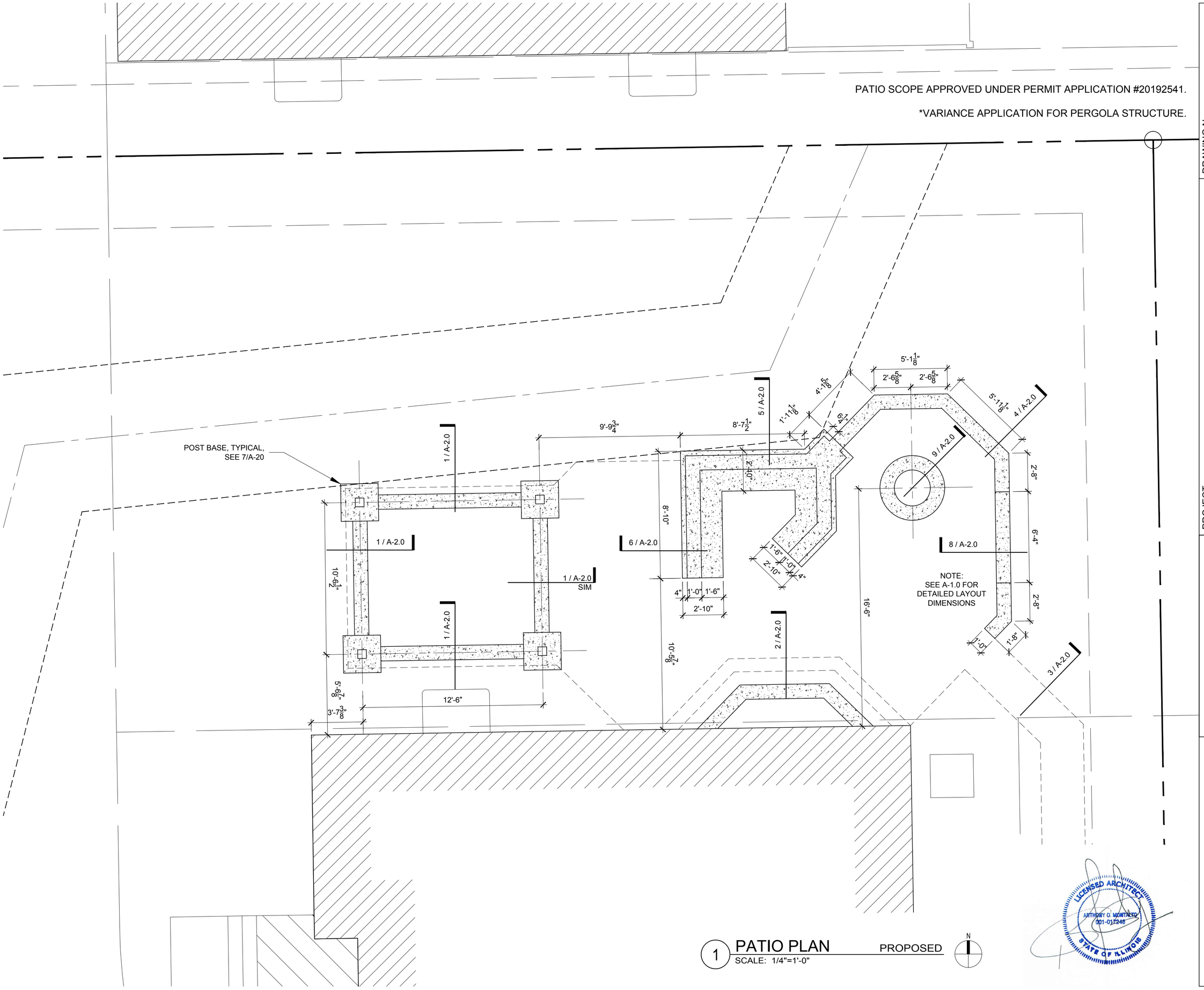
TITLE: PROPOSED PLAN: PATIO

ARCHITECT
Anthony Montalto
304 Oak St
Glen Ellyn, IL 60137
Telephone 312.882.5990
Fax 773.687.9185
IL LIC #: 001-017248

ADDLAWN LANDSCAPING, INC
607 W Winthrop Ave
Addison, IL 60101
Telephone 630.543.9130

PATIO SCOPE APPROVED UNDER PERMIT APPLICATION #20192541.

*VARIANCE APPLICATION FOR PERGOLA STRUCTURE.



1 PATIO PLAN PROPOSED

SCALE: 1/4"=1'-0"

LICENSED ARCHITECT
ANTHONY O. MONTALTO
001-017248
STATE OF ILLINOIS

DRAWING No.:	A - 1.1
REFERENCE:	NA
SCALE:	1/4"=1'-0"
DATE:	11.06.2019

PROJECT: SAVAGE FISHER RESIDENCE
523 FAIRWAY CT
GLEN ELLYN, IL 60137

TITLE: PROPOSED PLAN: FOUNDATION

ARCHITECT

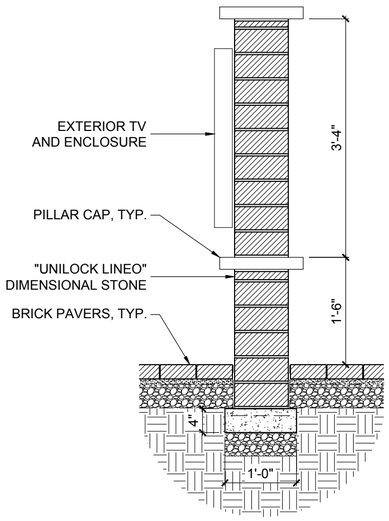
Anthony Montalto
304 Oak St
Glen Ellyn, IL 60137
Telephone 312.882.5990
Fax 773.687.9185
IL LIC #: 001-017248

ADDLAWN LANDSCAPING, INC

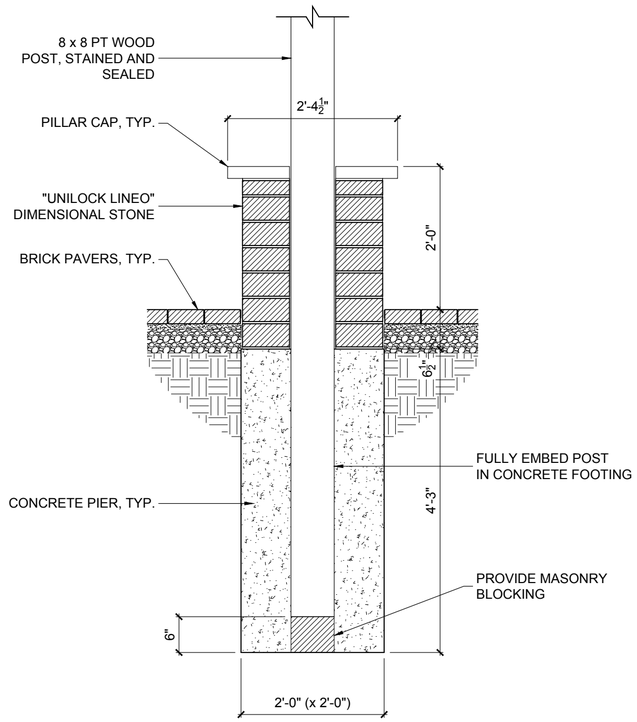
607 W Winthrop Ave
Addison, IL 60101
Telephone 630.543.9130

PATIO SCOPE APPROVED UNDER PERMIT APPLICATION #20192541.

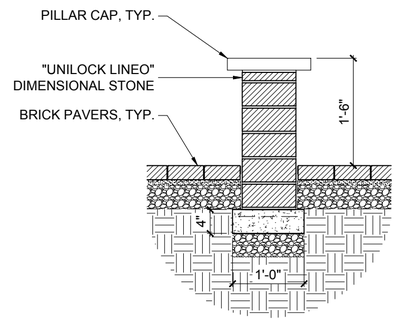
*VARIANCE APPLICATION FOR PERGOLA STRUCTURE.



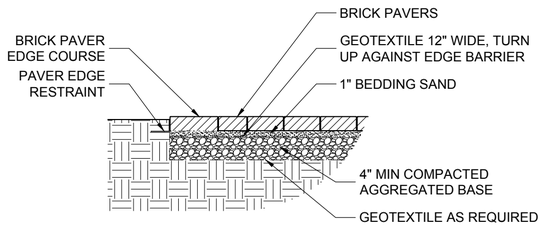
8 SECTION — TV WALL
SCALE: 3/4"=1'-0" — PATIO



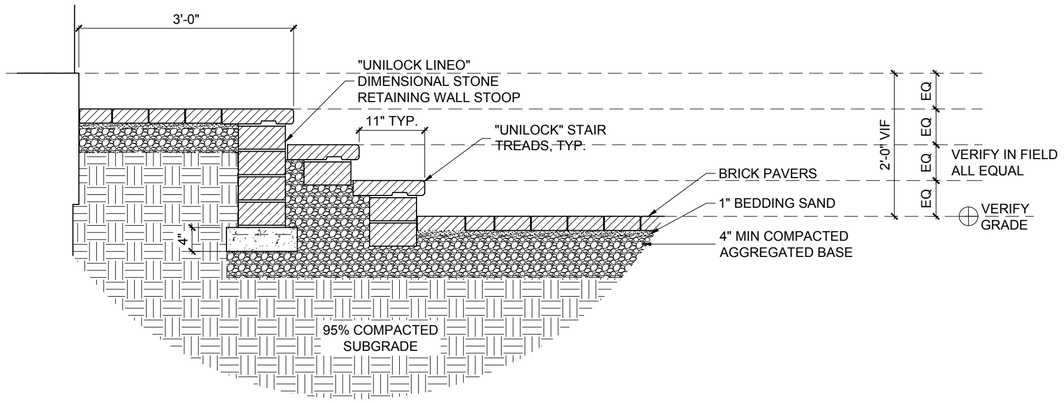
7 SECTION — PERGOLA PIER
SCALE: 3/4"=1'-0" — PATIO



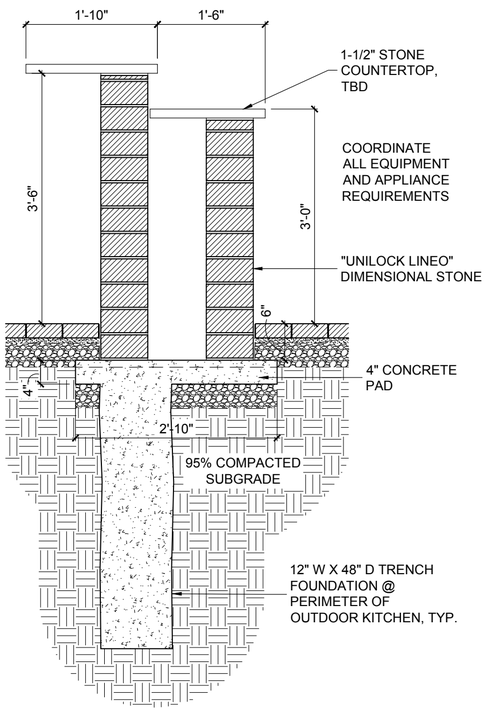
4 SECTION — SEAT WALL
SCALE: 3/4"=1'-0" — PATIO



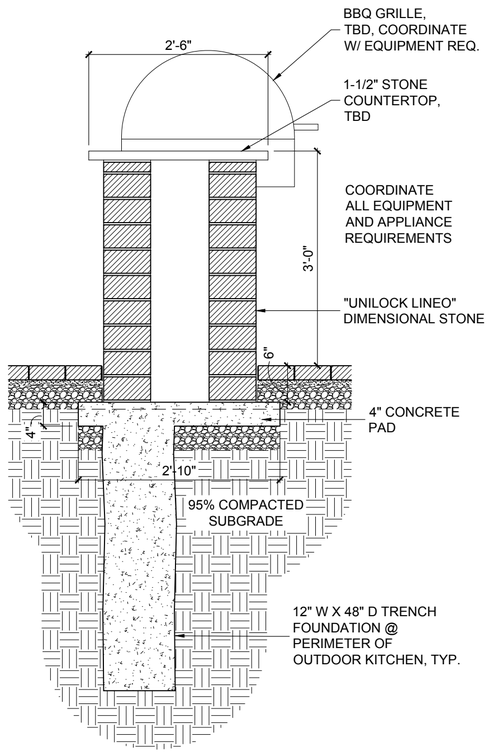
3 SECTION — EDGE COURSE
SCALE: 3/4"=1'-0" — PATIO



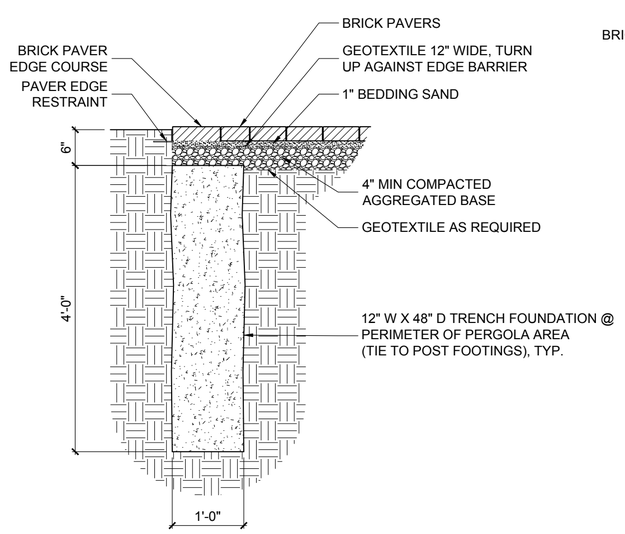
2 SECTION — STOOP AND STEPS
SCALE: 3/4"=1'-0" — PATIO



6 SECTION — OUTDOOR KITCHEN
SCALE: 3/4"=1'-0" — COUNTER / BAR

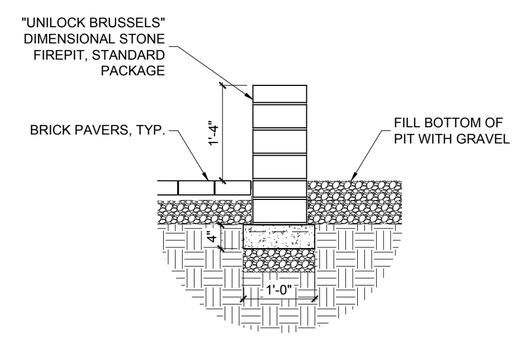


5 SECTION — OUTDOOR KITCHEN
SCALE: 3/4"=1'-0" — GRILL / COUNTER



1 SECTION — BRICK PAVER
SCALE: 3/4"=1'-0" — PATIO

NOTE: NO EDGE PAVER COURSE
@ "SIM" CONDITION



9 SECTION — FIRE PIT
SCALE: 3/4"=1'-0" — PATIO

DRAWING No.: A - 2.0
REFERENCE: NA
SCALE: 3/4"=1'-0"
DATE: 10.20.2019

PROJECT: SAVAGE FISHER RESIDENCE
523 FAIRWAY CT
GLEN ELLYN, IL 60137

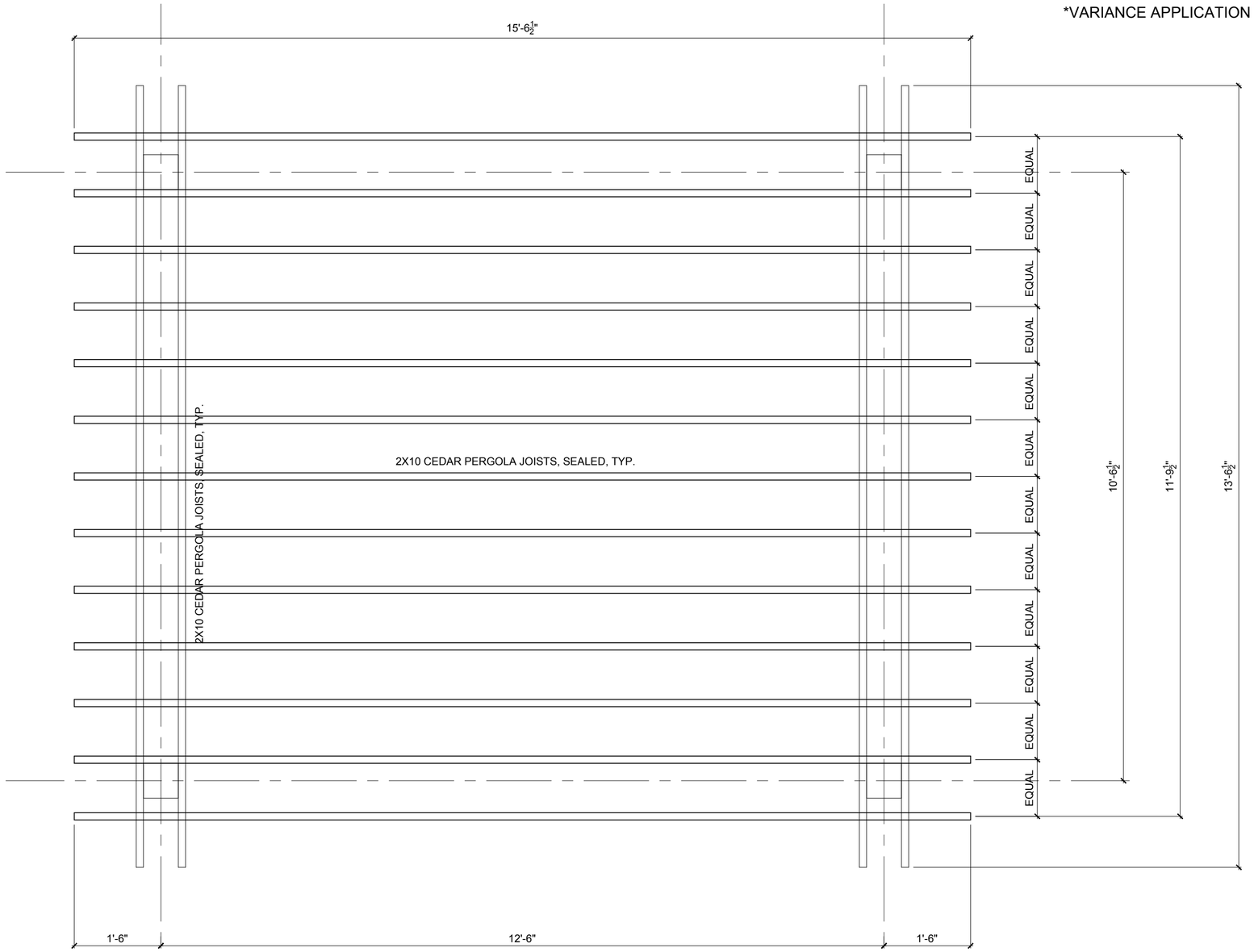
TITLE: TYPICAL DETAILS

ARCHITECT
Anthony Montalto
304 Oak St
Glen Ellyn, IL 60137
Telephone 312.882.5990
Fax 773.687.9185
IL LIC #: 001-017248

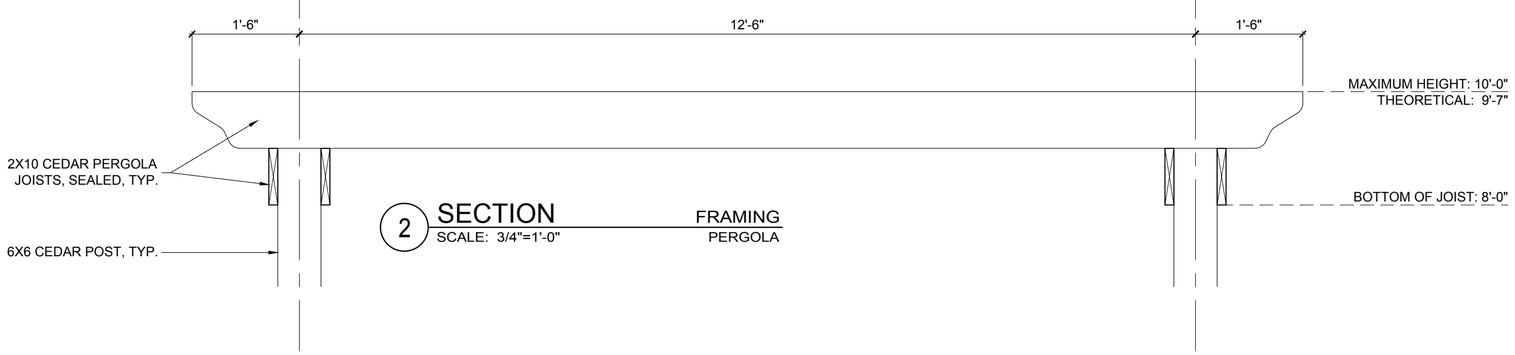
ADDLAWN LANDSCAPING, INC
607 W Winthrop Ave
Addison, IL 60101
Telephone 630.543.9130

PATIO SCOPE APPROVED UNDER PERMIT APPLICATION #20192541.

*VARIANCE APPLICATION FOR PERGOLA STRUCTURE, THIS SHEET.



1 PLAN
SCALE: 3/4"=1'-0"
FRAMING
PERGOLA



2 SECTION
SCALE: 3/4"=1'-0"
FRAMING
PERGOLA

DRAWING No.: A - 2.1
REFERENCE: NA
SCALE: 3/4"=1'-0"
DATE: 10.20.2019

PROJECT: SAVAGE FISHER RESIDENCE
523 FAIRWAY CT
GLEN ELLYN, IL 60137

TITLE: PERGOLA DETAILS

ARCHITECT
Anthony Montalto
304 Oak St
Glen Ellyn, IL 60137
Telephone 312.882.5990
Fax 773.687.9185
IL LIC #: 001-017248

ADDLAWN LANDSCAPING, INC
607 W Winthrop Ave
Addison, IL 60101
Telephone 630.543.9130

Paula Moritz

From: Paula Moritz
Sent: Thursday, November 14, 2019 1:39 PM
To: office@addlawn.com
Cc: montaltoanthony@yahoo.com; Amy McKenna
Subject: 523 Fairway - Patio with pergola - Review 2
Attachments: 523 Fairway -Patio, pergola, retaining wall, outdoor kitchen-Review 2-111419.pdf

Gentlemen-

Please see the attached Review 2. Thank you for providing the dimensioned plans we needed to perform the review. Unfortunately, the pergola is not in compliance with the setback requirements and cannot be approved as proposed.

Paula J. Moritz
Plan Examiner
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, IL 60137
Phone: 630-547-5372

Village President
Diane McGinley

Trustees
Kelli Christiansen
Bill Enright
Gary Fasules
Craig Pryde
Mark Senak
Steve Thompson

Village Manager
Mark T. Franz

Village Attorney
Gregory S. Mathews

Civic Center
535 Duane Street
Glen Ellyn, IL 60137

Administration
630-469-5000

Finance
630-547-5235

Community Development
630-547-5250

Police
65 South Park Boulevard
Glen Ellyn, IL 60137
630-469-1187

Public Works
30 South Lambert Road
Glen Ellyn, IL 60137
630-469-6756

The Village Links
485 Winchell Way
Glen Ellyn, IL 60137
630-469-8180

www.glenellyn.org
www.villagelinksgolf.com

November 14, 2019

Addlawn Landscaping, Inc.
960 N. Lombard Road
Lombard, IL 60148
Email: office@addlawn.com

RE: Building Permit Application #20192541
Patio, pergola, outdoor kitchen
523 Fairway Court

Review No. 2

The submitted permit documents, received 11/12/19, prepared by Anthony Montalto, dated 10/20/19, for the above project, have been reviewed for compliance with applicable building codes.

The permit documents do not appear to comply with the building requirements of the Village of Glen Ellyn. Please revise and resubmit three complete drawing sets. Permit documents prepared and sealed by a design professional may only be revised by the design professional. All changes shall be clouded.

A response letter summarizing your revisions is required to be submitted with the revised drawings.

Zoning: **Not approved.**

1. The proposed pergola is not in compliance with the zoning code setback requirements and is not approved. In accordance with Village Code 10-5-4(A)4(b),accessory structures less than ten feet from a principal structure shall observe the same setbacks as the principal structure on the zoning lot. In other words, because the pergola is less than 10 feet from the home, it must be at least 40 feet from the rear property line. 40 feet is the minimum required rear yard setback for the principal structure. If placed at least 10' from the home, the pergola would be allowed to be within 10 feet of the side or rear property line.

Building: **Approved but pending zoning approval.**

This review, or any errors, omissions or conflicts in the permit documents, shall not relieve the owner and his agent(s) of their responsibility to comply with all applicable provisions of the Building Code, Zoning Code, and Ordinances of the Village of Glen Ellyn.

Please contact me immediately at 630-547-5372 if you have any questions about these plan review comments or call 630-547-5250 for other information or assistance in completing the permit issuance process.

Sincerely,

Paula J. Moritz

Paula J. Moritz
Building Plan Examiner
CC: file, montaltoanthony@yahoo.com

Anthony Montalto, Architect
TEL 312.882.5990
montaltoanthony@yahoo.com

RECEIVED
DEC - 3 2019

November 23, 2019

523 Fairway Court
Glen Ellyn, IL 60137

Attn:
Paula J. Moritz, Building Plan Examiner

Re: Review #2; Report Date November 14, 2019

Dear Ms. Moritz,

Please review the following responses to comments provided in Review No. 2 dated October 23, 2019:

Zoning:

1. Pergola has been removed from Permit Application #20192541 and will be submitted for a variance (as noted in this set). Per email correspondence, subsurface components and post bases to accept the proposed pergola remain and will be installed at the applicant's risk that the pergola may not be approved through the variance process.

Building:

1. No Comments.

Revised drawings that have been clouded with changes is included.

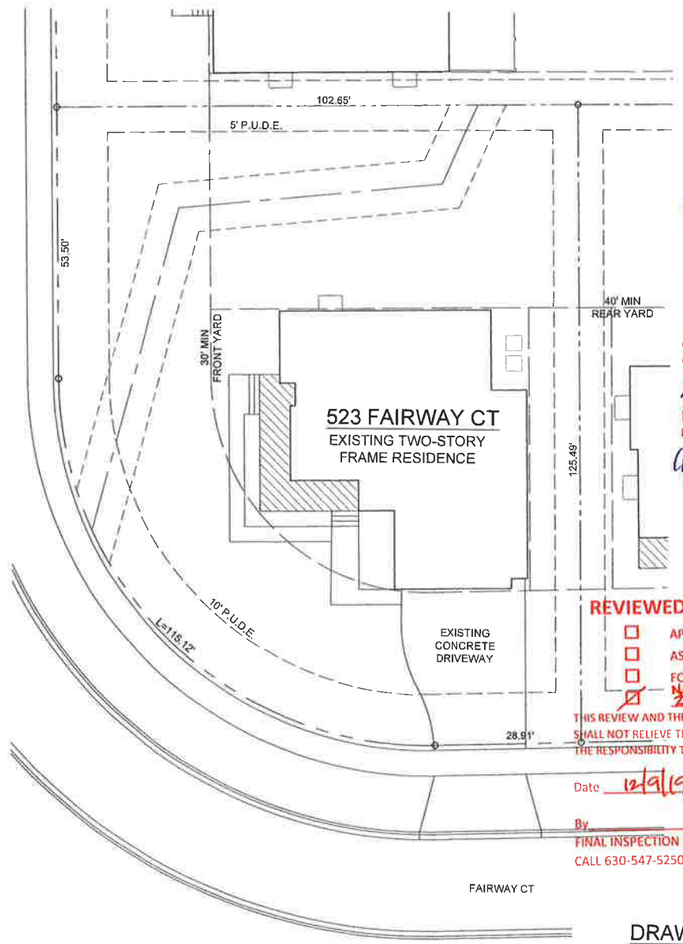
Sincerely,

Anthony Montalto
312.882.5990

SAVAGE FISHER RESIDENCE
523 FAIRWAY CT

GLEN ELLYN, IL 60137

NEW PATIO CONSTRUCTION



1 SITE PLAN — EXISTING
SCALE: 1/16"=1'-0"

Reviewed for Code Compliance
- [x] Drainage Plan
- [ ] Site Development Grading Plan
- [ ] Final Grading Survey
- [ ] Site Inspection Conducted _____

No errors or omissions in the submitted survey or plans or in the review response shall relieve the owner or the owner's agents of their responsibility to design, engineer and construct the work in compliance with all applicable codes.
- [ ] Elevation Certificate
- [x] Final Grading Survey Required - with house
- [x] Final Grading Inspection Required
- [ ] Stormwater Facility Inspection Required

Amy McKenna Date 12/9/19
Village of Glen Ellyn

REVIEWED FOR CODE COMPLIANCE
- [ ] APPROVED
- [ ] AS NOTED
- [ ] FOUNDATION ONLY
- [x] NO PERGOLA - PENDING ZONING VARIATION

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

Date 12/9/19 Permit No. 20192541

By _____

FINAL INSPECTION REQUIRED FOR ALL PROJECTS
CALL 630-547-5250

OWNER
SAVAGE FISHER
523 FAIRWAY CT.
GLEN ELLYN, IL 60137

ARCHITECT
ANTHONY MONTALTO, ARCHITECT
304 OAK ST
GLEN ELLYN, IL 60137

LANDSCAPE DESIGN & CONSULTATION
ADDLAWN LANDSCAPING
607 W WINTHROP AVE
ADDISON, IL 60101

PROJECT DESCRIPTION
GRADING AND PREPARATION OF EXISTING REAR YARD FOR A NEW PAVER PATIO, NEW PAVER AND MODULAR STONE STOOP AND STEPS, NEW STONE EDGE SEATING LEDGE, STACKED STONE WALL, BUILT IN FIREPIT, AND STACKED STONE OUTDOOR KITCHEN.

ZONING INFORMATION AND REGULATIONS

	DISTRICT: R-2		LOT AREA: 11,797.00 SF		
10-4-8	MINIMUM LOT FRONTAGE	REQ'D	50'	PROP.	NO CHANGE
10-4-8	MIN LOT SIZE	REQ'D	8,712 SF	EXIST.	11,797.00 SF
10-4-8	MAX LOT COVERAGE	20%	2,766.45 SF	EXIST.	2,685.85 SF **
10-4-8	MIN LOT WIDTH	REQ'D	66'	PROP.	NO CHANGE *
10-4-8	MIN LOT DEPTH	REQ'D	110'	PROP.	NO CHANGE *
10-4-8	MIN FRONT YARD STBK	REQ'D	30'	PROP.	NO CHANGE *
10-4-8	MIN INT SIDE YD STBK	REQ'D **	30' W / 10' E	PROP.	NO CHANGE *
10-4-8	MIN REAR YARD STBK	REQ'D	40'	PROP.	NO CHANGE *
10-4-8	IMPERVIOUS AREA - REAR	50% OR LESS OF REQ'D	1,180.02 SF	PROP.	821.18 SF *

* See site plan
** Covered areas only.

DEC -3 2019

DRAWING INDEX

G-0.1 TITLE SHEET
G-0.2 PROPOSED SITE PLAN

A-1.0 PROPOSED PLAN: PATIO
A-1.1 PROPOSED PLAN: FRAMING

I hereby certify that these plans were prepared by or under my direct supervision and to the best of my professional knowledge and belief conform to the applicable building codes and ordinances, including the applicable Village of Glen Ellyn Building and Zoning Codes.

Architect: Anthony Montalto, Architect

LICENSED ARCHITECT ANTHONY O. MONTALTO 001-017248

DRAWING No.: G - 0.1
REFERENCE: NA
SCALE: 1/16"=1'-0"
DATE: 10.20.2019

PROJECT: SAVAGE FISHER RESIDENCE
523 FAIRWAY CT
GLEN ELLYN, IL 60137

TITLE: TITLE SHEET

FILE COPY

ARCHITECT
Anthony Montalto
304 Oak St
Glen Ellyn, IL 60137
Telephone 312.882.5990
Fax 773.687.9185
IL LIC #: 001-017248

N LANDSCAPING, INC
07 W Winthrop Ave
Addison, IL 60101
ephone 630.543.9130

Village of Glen Ellyn

BUILDING PERMIT

Permit No. 20192541

Expires: 12/09/2020

Property Owner:
NITTI DEVELOPMENT
399 WALL ST, STE N
GLENDALE HEIGHTS, IL 60139

523 FAIRWAY CT

PATIO AND RETAINING WALL

This Building Permit is issued upon condition that the work will be completed in compliance with the Village Code, that errors or omissions discovered in the permit documents do not approve any work in violation of the Village Code, that the issuance of this Building Permit or approval of a construction inspection shall not relieve the property owner or the owner's agent(s) of their responsibility to design, engineer and construct the work in compliance with the Village Code, and that inspections of each stage of the work as listed on this Building Permit will be requested and approved prior to proceeding with the next stage of the work.

Building and Zoning Official

Issue Date: 12/09/2019

INSPECTIONS
FOOTING PRE POUR
GAS UNDERGROUND
ELECTRICAL UNDERGROUND
BUILDING FINAL
GRADING DRAINAGE FINAL

Call 811 - JULIE before you dig

For Building Inspections Please Call:
630-547-5250
For Public Works Inspections Please Call:
630-469-6756

Laura Tisinai

From:	Laura Tisinai
Sent:	Thursday, February 18, 2021 10:41 AM
To:	michaelbfisher@gmail.com
Cc:	office@addlawn.com; info@nittidevelopment.com; montaltoanthony@yahoo.com; Steve Witt; Katie Ashbaugh
Subject:	FW: 523 Fairway Court, Glen Ellyn- permit #: 20192541
Attachments:	523 Fairway- copy of approval.pdf; 523 Fairway- achitect compliance letter.pdf; 532 Fairway- photo.pdf

Please see below, my apologies the previous email for the homeowner from our utility billing was wrong.

From: Laura Tisinai
Sent: Thursday, February 18, 2021 10:29 AM
To: michaelbfischer@gmail.com
Cc: office@addlawn.com; info@nittidevelopment.com; montaltoanthony@yahoo.com; buildingpermits <buildingpermits@glenellyn.org>; Steve Witt <switt@glenellyn.org>; Katie Ashbaugh <kashbaugh@glenellyn.org>
Subject: 523 Fairway Court, Glen Ellyn- permit #: 20192541

Good morning,

I am writing to inform you while attempting to close out this permit, a final inspection was performed to confirm that a pergola was not installed based on the attached approved permit. The attached photo clearly indicates a pergola was constructed without a zoning variance submitted for. We please ask at this time that you either remove the pergola, or submit for a construction necessitated variation as this is already constructed. We will allow till April 15, 2020 to take the structure down, or two weeks to submit your zoning variation. Please respond to this email as soon as possible with which you choose, as a citation may apply if compliance is not met. I have copied Katie Ashbaugh, which handles our zoning variation processes.

Respectfully,

Laura Tisinai

Laura Tisinai | Permit Manager | Community Development Department
Village of Glen Ellyn | 535 Duane Street | Glen Ellyn, IL 60137
ltisinai@glenellyn.org | p 630.547.5250 | direct 630.547.5253

Addlawn Landscaping, Inc.
960 N Lombard Road
Lombard, IL 60148
(630)543-9130
office@addlawn.com
www.addlawn.com

ADDRESS
Mike Fisher
523 Fairway Court
Glen Ellyn, IL 60137

Estimate 6186

DATE 07/19/2021

DESCRIPTION	QTY	RATE	AMOUNT
RELOCATE PERGOLA TO APPROVED LOCATION - this is not an option due to the constraints of the water swale in the back yard - the only "approved" location would be in front of the home and this would not work	1	0.00	0.00
PERGOLA REMOVAL AND REINSTALL - breaking down the pergola and store it in the customer's garage while waiting for board approval - after board approval, re-installing the pergola in the back yard - repainting pergola due to breakdown and rebuild - includes all labor and material	1	21,150.00	21,150.00

Upon signing of this contract a deposit of 50% is required.
Final payment is due upon completion.

GUARANTEE: One full year, one time replacement on trees, shrubs and evergreens.

NO GUARANTEE: On any perennials of flowers.
Guarantee only applies if job is paid in full.
This proposal may be withdrawn if not accepted within 30 days.

All Credit Card Payments will have a 3% Service Charge added to the total.

TOTAL **$21,150.00**

Accepted By

Accepted Date

Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting 7/26/2021 7:00 PM
Department: Community Development
Department Head: Staci Springer
Category: Presentation
Prepared By: Josh Hankins

AGENDA ITEM (ID # 2021-1266)

DOC ID: 2021-1266

Motion to approve Ordinance No. 6890, An Ordinance Approving a Construction-Necessitated Zoning Variation from the Impervious Surface Setback Requirements of the Zoning Code to Maintain a Walkway on the Property at 85 Sunset Avenue

Statement of the Issue:
See attached Memo

Analysis:

Budget Impact:

Action Requested:

Attachments:

1. 85 Sunset Memo
2. 85 Sunset-CNV- approve ORD
3. 85 Sunset-CNV- deny ORD
4. Exhibit A-Draft Minutes of the June 22, 2021 ZBA Meeting
5. Aerial Photo
6. Zoning Map
7. Petitioner's Application Packet
8. Letter from Contractor
9. Exhibit B - Site Plan Exhibit (Approved vs. Existing)
10. Exhibit C - Final Grading Plan (Existing Conditions)
11. Existing Conditions Photos
12. Petitions of Support

13. Cost Estimate to Remove Work
14. Memo from Senior Civil Engineer - 7-13-2021

MEMORANDUM

TO: Mark Franz, Village Manager

FROM: Staci Springer, Community Development Director
Kelly Purvis, Planning Manager
Josh Hankins, Planning Intern

DATE: July 8, 2021

RE: July 26, 2021, Village Board Meeting
Zoning Variation Request – 85 Sunset Avenue

Background

85 Sunset LLC, owner of the property located at 85 Sunset Avenue and represented by Michael Foltz is requesting approval of a construction necessitated variation to allow a walkway to remain closer to the property line than permitted by code.

The property is an interior lot, located in the R2 zoning district on the east side of Sunset Avenue, between Fairway Avenue and Dorset Place. The land use immediately surrounding the subject property is R2 single-family residential. Notice of the public hearing was published in the Daily Herald on June 4, 2021. The Zoning Board of Appeals conducted a public hearing on the requested construction necessitated variation on June 22, 2021.

The subject property is approximately 1-acre in size with a lot width of 114 feet. The property owners designed the attached garage to allow their John Deere tractor to enter and exit from the side of the garage (the tractor is 6.5 feet long and 4.5 feet wide without any attachments). The side door of the garage, which is located on the southeast side of the garage, measures only 8 feet 11 inches. The petitioner has indicated that the garage door width provides very little room to maneuver when moving the tractor from the garage to the front driveway. In the attached letter, the applicant's contractor states that when the tractor was delivered to the site, he noticed right away that the tractor would not be able to make the turn out of the side garage door onto the walk as originally planned. He admits that he suggested moving the sidewalk 36 inches south from the original (approved/permitted) location while also maintaining the 6-foot wide sidewalk to allow adequate room for the tractor to turn out of the garage and remain on the pavement (see attached site plan exhibit). The contractor also indicates, if the walk was maintained at its original location, 6 feet 3 inches from the south lot line, the home owner would not be able to use the walk as originally intended without the risk of hitting the side of the garage when pulling the tractor in and out, potentially damaging the grass and tracking mud into the garage. These field changes suggested by the contractor resulted in the sidewalk being installed in the side yard approximately 3 feet 3 inches from the property line, which deviates from the minimum 5-foot setback required for this lot. Note, impervious surface requirements are based upon a sliding scale percentage of the lot width.

In accordance with the requirements for Construction Necessitated Variations, the petitioner provided a cost estimate for removal of the sidewalk and its replacement in a permitted location (see attached estimate).

Issues

At the June 22, 2021 public hearing, the petitioner stated that the adjacent neighbor to the south appreciated the landscaped area created when the sidewalk was moved from its originally planned location and did not have an issue with the impervious surface being moved closer to their property than permitted. The petitioner and his lawyer, Tracy Kasson, stated that the stormwater swale in the side yard will continue to function as planned and will not be impacted by the impervious surface. They noted that the impervious surface did not increase in area, only its placement was altered. The petitioner presented photos of the inside of the garage, which showed a wheelchair ramp. He indicated that his wife does not use a wheelchair currently (she uses a cane); however, he built the house with future accessibility in mind as he and his wife are in their mid-60s. He added that the additional area of the sidewalk will allow a wheelchair to maneuver more easily as well.

The ZBA members' support for the request was split during deliberations. Half of the six members in attendance did not see a unique circumstance or apparent hardship. They discussed future wheelchair use on the sidewalk and noted that a manual or electric wheelchair would easily be able to make the turn out of the garage and onto the sidewalk in its initially permitted location. They also pointed out that the garage has two doors, one on the side (where the sidewalk is located) and a front door facing the street. It was suggested that it may be inconvenient to move out cars to get the tractor out, but that, in and of itself, does not constitute a hardship. One of the members of the Zoning Board was concerned about how the impervious surface might impact stormwater flow on the property. While staff indicated that the side yard swale was unaffected by the placement of the impervious surface, and the dry well on the property was oversized and has capacity, the ZBA member noted that the owners would not have an obligation to maintain the dry well, which could cause water issues in the future.

The other three members of the ZBA were in support of granting the variation request and saw unique circumstances in this case. They acknowledged that the property owner may need to use a wheelchair in the near future; the Village's Senior Civil Engineer reviewed the plan and found no issues with flooding or impact to the stormwater swale; and the most impacted neighbor to the south supports the variance request. The petitioner submitted several petitions of support (attached) from adjacent property owners. No members of the public were present at the meeting to speak in favor or against the granting of the request.

Recommendation

At the public hearing on June 22, 2021, the Zoning Board of Appeals voted on a motion to recommend the approval of the requested construction necessitated variation to allow the sidewalk to remain in its current location, 3.3 feet from the south property line in lieu of the minimum 5 feet required by Code for a property with a width of over 100 feet. The motion did not carry with three (3) "yes" and three (3) "no" votes, resulting in a recommendation to deny the request.

Following the public hearing and at the request of the petitioner, the Village's Senior Civil Engineer reviewed the location of the sidewalk in relation to the stormwater swale. In her attached memo, she indicates that the swale will continue to function as necessary to convey the stormwater runoff out to Sunset Avenue.

Action Requested

It is requested that the Village Board consider the petitioner's request, the recommendation offered by the Zoning Board of Appeals and any further evidence or testimony presented at the Village Board Meeting and grant, deny or amend the requested construction necessitated variation. Since the ZBA vote was split, staff has prepared a draft ordinance to approve and a draft ordinance to deny the request.

Attachments

- Draft Ordinance to Approve
- Draft Ordinance to Deny
- Exhibit "A" – Draft Minutes of the June 22, 2021 ZBA Meeting
- Aerial Photo
- Zoning map
- Petitioner's Application Packet
- Letter from Contractor
- Exhibit "B" - Site Plan Exhibit (approved vs. existing)
- Exhibit "C" - Final Grading Plan (Existing Conditions)
- Existing Conditions Photos
- Petitions of Support
- Cost Estimate to Remove Work
- Memo from Senior Civil Engineer related to stormwater run-off

CC: Staci Springer, Director of Planning & Development
Steve Witt, Building & Zoning Official
Paula Moritz, Plans Examiner
Michael Foltz, Property Owner
Tracy Kasson, Petitioner's Lawyer

X:\Plandev\BUILDING\ZBA\5. VARIATION BY ADDRESS\S\SUNSET\Sunset, 85\Meeting Materials\VB\85 Sunset Memo Final.doc

Village of Glen Ellyn

Ordinance No._____

An Ordinance Approving a Construction-Necessitated Zoning Variation from the Impervious Surface Setback Requirements of the Zoning Code to Maintain a Walkway on the Property at 85 Sunset Avenue Glen Ellyn, IL 60137

Adopted by the President and the Board of Trustees Of the Village of Glen Ellyn DuPage County, Illinois This ____ Day Of _____, 20____ .

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

PREPARED BY AND MAIL TO:
VILLAGE OF GLEN ELLYN
ATTN: VILLAGE CLERK
535 DUANE STREET

GLEN ELLYN, IL 60137

Ordinance No._____

An Ordinance Approving a Construction-Necessitated Zoning Variation from the Impervious Surface Setback Requirements of the Zoning Code to Maintain a Walkway on the Property at 85 Sunset Avenue Glen Ellyn, IL 60137

Whereas, Michael Foltz, Manager of 85 Sunset LLC, owner of the property located at 85 Sunset Avenue, Glen Ellyn, Illinois, which is legally described as follows:

LOT 4 (EXCEPT THE EAST 100.00 FEET THEREOF AS MEASURED ON THE NORTH LINE AND ON THE SOUTH LINE THEREOF) IN STOKBURGER'S RESUBDIVISION OF ALL OF GARDELLA SUBDIVISION, MILTON TOWNSHIP, DUPAGE COUNTY, BEING A SUBDIVISION D.J. WORTH'S LOT "A" WHICH WAS A CONSOLIDATION OF BLOCK 15 AND THE NORTH 1.08 ACRES OF BLOCK 12 OF E.W. ZANDER AND COMPANY'S COUNTRY HOMES ADDITION TO GLEN ELLYN, ACCORDING TO THE PLAT OF STOKBURGER'S RESUBDIVISION RECORDED DECEMBER 28, 1949, AS DOCUMENT 583464, IN DUPAGE COUNTY, ILLINOIS.

ALSO LOT OR BLOCK 12 (EXCEPT THE NORTH ONE ACRE THEREOF, AS MEASURED ON THE EASTERLY LINE OF SAID LOT OR BLOCK 12 AND ALSO EXCEPT THE EAST 100.00 FEET AS MEASURED ON THE NORTH LINE AND ON THE SOUTH LINE OF SAID LOT OR BLOCK 12) IN E.W ZANDER'S COUNTRY HOMES ADDITION TO GLEN ELLYN, IN SECTION 14, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 10, 1909, AS DOCUMENT 95781, IN DUPAGE COUNTY, ILLINOIS.

PIN: 05-14-307-111

has petitioned the President and Board of Trustees of the Village of Glen Ellyn for a construction necessitated variation from the Glen Ellyn Zoning Code, Section 10-5-5(C) to allow an impervious surface to remain 3 feet 3 inches from the property line where an impervious surface setback of 5 feet is required; and

Whereas, following due notice by publication in The Daily Herald not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all property owners within 250 feet of the subject property at least ten (10) days prior thereto, and following the placement of a placard on the subject property not less than fifteen (15) days prior thereto, the Glen Ellyn Zoning Board of Appeals conducted a public hearing on June 22, 2021 at which public hearing the petitioners presented evidence, testimony, and exhibits in support of the variation requested and zero (0)persons appeared in favor of the variation request and zero (0) persons appeared in opposition thereto; and

Whereas, based upon the evidence, testimony, and exhibits presented at the public hearing on June 22, 2021, the Zoning Board of Appeals adopted findings of fact and by a vote of three (3) "yes" and three (3) "no" votes the motion to approve the request did not carry, resulting in a recommendation that the construction necessitated variation be denied, as set forth in its draft Minutes dated June 22, 2021, appended hereto as Exhibit "A"; and

Whereas, the President and Board of Trustees have reviewed the exhibits and evidence presented at the aforementioned public hearing and have considered the findings of fact and does not concur with the recommendation of the Zoning Board of Appeals; and

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

A. That the practical difficulty or particular hardship is that the wider lot width creates a larger impervious surface setback requirement for the lot; and

B. That the variation, if granted, will not alter the essential character of the locality as the variation will allow the impervious surface to remain, which is otherwise compliant with the Zoning Code; and

C. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property since the owners intend to remain in the home for the foreseeable future and the variation will allow them to use their side garage door as originally intended; and

D. That the variation will not be detrimental to the public comfort, morals, and welfare or injurious to other property or improvements in the neighborhood in which the property is located since the impervious surface is setback over three feet from the property line and does not impact the draining swale in the side yard; and

E. That the variation will not substantially increase the hazard from fire or other dangers to said property and not otherwise impair the public health, safety, or general welfare of the inhabitants of the Village; and

F. That the variation will not diminish or impair property values within the neighborhood; and

G. That the variation will not unduly increase traffic congestion in the public streets and highways, as the traffic pattern on site will not be changed; and

H. That the variation will not increase public expenditures or create a nuisance since this is an improvement to the existing single-family residential use in a residential zoning district; and

I. That the variation is the minimum variation that will make possible the reasonable use of the land, building, or structure.

Whereas, the President and Board of Trustees, based on the aforementioned findings of fact, find it appropriate to grant the construction necessitated variation;

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

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

Section Two: Based upon the above findings of fact, the President and Board of Trustees hereby approve a construction necessitated variation from the Glen Ellyn Zoning Code, Section 10-5-5(C) to allow an impervious surface setback of 3 feet 3 inches where an impervious surface setback of 5 feet is required for the property at 85 Sunset Avenue, Glen Ellyn, Illinois, which is legally described as follows:

LOT 4 (EXCEPT THE EAST 100.00 FEET THEREOF AS MEASURED ON THE NORTH LINE AND ON THE SOUTH LINE THEREOF) IN STOKBURGER'S RESUBDIVISION OF ALL OF GARDELLA SUBDIVISION, MILTON TOWNSHIP, DUPAGE COUNTY, BEING A SUBDIVISION D.J. WORTH'S LOT "A" WHICH WAS A CONSOLIDATION OF BLOCK 15 AND THE NORTH 1.08 ACRES OF BLOCK 12 OF E.W. ZANDER AND COMPANY'S COUNTRY HOMES ADDITION TO GLEN ELLYN, ACCORDING TO THE PLAT OF STOKBURGER'S RESUBDIVISION RECORDED DECEMBER 28, 1949, AS DOCUMENT 583464, IN DUPAGE COUNTY, ILLINOIS.

ALSO LOT OR BLOCK 12 (EXCEPT THE NORTH ONE ACRE THEREOF, AS MEASURED ON THE EASTERLY LINE OF SAID LOT OR BLOCK 12 AND ALSO EXCEPT THE EAST 100.00 FEET AS MEASURED ON THE NORTH LINE AND ON THE SOUTH LINE OF SAID LOT OR BLOCK 12) IN E.W ZANDER'S COUNTRY HOMES ADDITION TO GLEN ELLYN, IN SECTION 14, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 10, 1909, AS DOCUMENT 95781, IN DUPAGE COUNTY, ILLINOIS.

PIN: 05-14-307-111

Section Three: The granting of the construction necessitated variation is subject to the

following conditions of approval:

1. That the impervious surface shall remain in its constructed location, no closer than 3 feet 3 inches from the property line and in substantial conformance with the plans as submitted and the testimony presented at the June 22, 2021 Zoning Board of Appeals meeting and before the Village Board of Trustees including the following application and plans:

    a) The petitioner's application for a Zoning Variation signed and dated on May 26, 2021;
    b) The Site Plan Exhibit, not dated, attached hereto as Exhibit "B";
    c) The Final Grading Plan, dated June 25, 2020, attached hereto as Exhibit "C".

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

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

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

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this day of _____ , 20_____.

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of , 20_____.

_____
Village President

Attest:

_____
Village Clerk

AFFIX VILLAGE SEAL

(Published in pamphlet form and posted on the _____ day of _____.)

X:\Plandev\BUILDING\ZBA\5. VARIATION BY ADDRESS\S\SUNSET\Sunset, 85\Meeting Materials\VB

Village of Glen Ellyn

Ordinance No._____

An Ordinance Denying a Request for a Construction Necessitated Zoning Variation from the Impervious Surface Setback Requirements of the Zoning Code to Maintain a Walkway on the Property at 85 Sunset Avenue Glen Ellyn, IL 60137

Adopted by the
President and the Board of Trustees
Of the Village of Glen Ellyn
DuPage County, Illinois
This ____ Day Of _____, 20____ .

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

PREPARED BY AND MAIL TO:
VILLAGE OF GLEN ELLYN
ATTN: VILLAGE CLERK
535 DUANE STREET
GLEN ELLYN, IL 60137

Ordinance No._____

An Ordinance Denying a Request for a Construction Necessitated Zoning Variation from the Impervious Surface Setback Requirements of the Zoning Code to Maintain a Walkway on the Property at 85 Sunset Avenue Glen Ellyn, IL 60137

Whereas, Michael Foltz, Manager of 85 Sunset LLC, owner of the property located at 85 Sunset Avenue, Glen Ellyn, Illinois, which is legally described as follows:

LOT 4 (EXCEPT THE EAST 100.00 FEET THEREOF AS MEASURED ON THE NORTH LINE AND ON THE SOUTH LINE THEREOF) IN STOKBURGER'S RESUBDIVISION OF ALL OF GARDELLA SUBDIVISION, MILTON TOWNSHIP, DUPAGE COUNTY, BEING A SUBDIVISION D.J. WORTH'S LOT "A" WHICH WAS A CONSOLIDATION OF BLOCK 15 AND THE NORTH 1.08 ACRES OF BLOCK 12 OF E.W. ZANDER AND COMPANY'S COUNTRY HOMES ADDITION TO GLEN ELLYN, ACCORDING TO THE PLAT OF STOKBURGER'S RESUBDIVISION RECORDED DECEMBER 28, 1949, AS DOCUMENT 583464, IN DUPAGE COUNTY, ILLINOIS.

ALSO LOT OR BLOCK 12 (EXCEPT THE NORTH ONE ACRE THEREOF, AS MEASURED ON THE EASTERLY LINE OF SAID LOT OR BLOCK 12 AND ALSO EXCEPT THE EAST 100.00 FEET AS MEASURED ON THE NORTH LINE AND ON THE SOUTH LINE OF SAID LOT OR BLOCK 12) IN E.W ZANDER'S COUNTRY HOMES ADDITION TO GLEN ELLYN, IN SECTION 14, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 10, 1909, AS DOCUMENT 95781, IN DUPAGE COUNTY, ILLINOIS.

PIN: 05-14-307-111

has petitioned the President and Board of Trustees of the Village of Glen Ellyn for a construction necessitated variation from the Glen Ellyn Zoning Code, Section 10-5-5(C) to allow an impervious surface to remain 3 feet 3 inches from the property line where an impervious surface setback of 5 feet is required; and

Whereas, following due notice by publication in The Daily Herald not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all property owners within 250 feet of the subject property at least ten (10) days prior thereto, and following the placement of a placard on the subject property not less than fifteen (15) days prior thereto, the Glen Ellyn Zoning Board of Appeals conducted a public hearing on June 22, 2021 at which public hearing the petitioners presented evidence, testimony, and exhibits in support of the variation request and zero (0)persons appeared in favor of the variation request and zero (0) persons appeared in opposition thereto; and

Whereas, based upon the evidence, testimony, and exhibits presented at the public hearing on June 22, 2021, the Zoning Board of Appeals adopted findings of fact and by a vote of three (3) "yes" and three (3) "no" votes the motion to approve the request did not carry, resulting in a recommendation that the construction necessitated variation be denied, as set forth in its draft Minutes dated June 22, 2021, appended hereto as Exhibit "A"; and

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

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

A. That there is no practical difficulty or particular hardship that would not be generally applicable to other properties of the same size in the same zoning district; and

B. That the variation, if granted, will alter the essential character of the locality as the variation will allow the impervious surface to remain closer to the adjacent property to the south than the Zoning Code permits; and

C. That the variation has the potential to create a nuisance since the impervious surface is too close to the adjacent property to the south; and

D. That the variation is not the minimum variation that will make possible the reasonable use of the land, building, or structure since there is another exit from the garage that can be used.

Whereas, the President and Board of Trustees, based on the aforementioned findings of fact, find it appropriate to deny the construction necessitated variation as recommended by the Zoning Board of Appeals;

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

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

Section Two: Based upon the above findings of fact, the President and Board of Trustees hereby deny a construction necessitated variation from the Glen Ellyn Zoning Code, Section 10-5-5(C) to allow an impervious surface setback of 3 feet 3 inches where an impervious surface setback of 5 feet is required for the property at 85 Sunset Avenue, Glen Ellyn, Illinois, which is legally described as follows:

LOT 4 (EXCEPT THE EAST 100.00 FEET THEREOF AS MEASURED ON THE NORTH LINE AND ON THE SOUTH LINE THEREOF) IN STOKBURGER'S RESUBDIVISION OF ALL OF GARDELLA SUBDIVISION, MILTON TOWNSHIP, DUPAGE COUNTY, BEING A SUBDIVISION D.J. WORTH'S LOT "A" WHICH WAS A CONSOLIDATION OF BLOCK 15 AND THE NORTH 1.08 ACRES OF BLOCK 12 OF E.W. ZANDER AND COMPANY'S

COUNTRY HOMES ADDITION TO GLEN ELLYN, ACCORDING TO THE PLAT OF STOKBURGER'S RESUBDIVISION RECORDED DECEMBER 28, 1949, AS DOCUMENT 583464, IN DUPAGE COUNTY, ILLINOIS.

ALSO LOT OR BLOCK 12 (EXCEPT THE NORTH ONE ACRE THEREOF, AS MEASURED ON THE EASTERLY LINE OF SAID LOT OR BLOCK 12 AND ALSO EXCEPT THE EAST 100.00 FEET AS MEASURED ON THE NORTH LINE AND ON THE SOUTH LINE OF SAID LOT OR BLOCK 12) IN E.W ZANDER'S COUNTRY HOMES ADDITION TO GLEN ELLYN, IN SECTION 14, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 10, 1909, AS DOCUMENT 95781, IN DUPAGE COUNTY, ILLINOIS.

PIN: 05-14-307-111

Section Three: The Village Clerk is hereby authorized and directed to cause a copy of this Ordinance denying the construction necessitated variation to be recorded with the DuPage County Recorder of Deeds.

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

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

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this day of _____ , 20_____.

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of , 20_____.

_____
Village President

Attest:

_____
Village Clerk

AFFIX VILLAGE SEAL

(Published in pamphlet form and posted on the _____ day of _____.)

X:\Plandev\BUILDING\ZBA\5. VARIATION BY ADDRESS\S\SUNSET\Sunset, 85\Meeting Materials\VB\85 Sunset-CNV- deny ORD Final.doc

DRAFT MINUTES
ZONING BOARD OF APPEALS
June 22, 2021

The meeting was called to order by ZBA Chairperson Gregory Constantino at 7:04 p.m. Zoning Board of Appeals Members Michelle Covington, Katie Crudele, Matt Jones, Chip Miller and Reed Panther were present. ZBA Member Tom Whalls was excused. Also present were Planning Manager Kelly Purvis, Trustee Liaison Anne Gould 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 June 4, 2021 and June 7, 2021.

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.

EMERGENCY RULES OF PROCEDURE

ZBA Member Jones moved, seconded by ZBA Member Covington, to approve the emergency rules of procedure. The motion was 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 Miller and ZBA Member Panther.

MINUTES

ZBA Member Crudele moved, seconded by ZBA Member Miller, to approve the minutes of the May 11, 2021 meeting. The motion was 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 Miller and ZBA Member Panther.

On the agenda were public hearings regarding the properties located at 551 Geneva Road, 85 Sunset Avenue and 523 Fairway Court.

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

A motion was made by ZBA Member Jones and seconded by ZBA Member Covington to open the public hearing for 551 Geneva Road at 7:11p.m. The motion was 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 Miller and ZBA Member Panther.

PUBLIC HEARING – 551 GENEVA ROAD

PETITIONER SUZANNE CARTY, ON BEHALF OF THE GLEN ELLYN HISTORICAL SOCIETY, IS REQUESTING A RECOMMENDATION OF APPROVAL OF THE FOLLOWING VARIATIONS FROM THE GLEN ELLYN ZONING CODE: 1. A VARIATION FROM 10-4-1(c) TO ALLOW ACCESSORY STRUCTURES (GARAGE, SHED, AND DRIVEWAY) TO REMAIN ON THE PROPERTY WITHOUT A PRINCIPAL STRUCUTRE AFTER THE PRINCIAPL STRUCUTRE IS EMOLISHED; 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.

(Suzanne Carty, on behalf of the Glen Ellyn Historical Society, owner of the property located at 551 Geneva Road).

Staff Presentation

Planning Manager Purvis was present to speak regarding the proposed variation request and was sworn in.

Planning Manager Purvis stated the petitioner is Suzanne Carty, on behalf of the Glen Ellyn Historical Society, owner of the property located at 551 Geneva Road. Mrs. Carty is the President of the Board of Directors for the Glen Ellyn Historical Society. The subject property and the properties to the immediate west and south are zoned R2-Residential District and improved with single-family homes. The lot to the immediate east is zoned C2-Community District and is the

location of Stacy's Tavern which is also owned by the GEHS. Stacy Park, zoned CR-Conservation Recreation District is to the north of the property.

Planning Manager Purvis stated the petitioner is requesting a recommendation of approval from the following variations from the Glen Ellyn Zoning Code:

1. A variation from 10-4-1(c) to allow accessory structures (garage, shed, and driveway) to remain on the property without a principal structure after the principal structure is demolished; 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.

Planning Manager Purvis stated the Village has no record of any variations being previously granted to this property. Planning Manager Purvis stated the Village has granted to following permits to this property: electric service, 1986; electric service, 1986; garage, 1995; sewage connection, 2012; sewer repair, 2014; clearwater compliance, 2014.

Planning Manager Purvis stated the Glen Ellyn Historical Society received the property located at 551 Geneva in 2014 as a gift to the organization. The original plan was for this property to be incorporated into the Museum Campus with a "period bard" or other structure to showcase Glen Ellyn's agricultural heritage and to provide storage for the museum. The petitioner has indicated that the GEHS is funded by private donations and that they do not have the means at this time to develop the property.

Planning Manager Purvis stated the principal structure was used as the home of the Society's Executive Director until 2018, when the house was found to have mild and structural issues, deeming the house uninhabitable. The petitioner has indicated that the cost of remediating the mold and fixing the underlying structural issues are prohibitively high, prompting the Glen Ellyn Historical Society to demolish the principal structure of the property. They would like to continue to get some benefit out of the property by using the existing garage and shed to store items that may be heavy or that need to be easily accessible for their staff.

Planning Manager Purvis stated the petitioner is proposing to demolish the principal structure located at 551 Geneva due to mold and structural issues while keeping the accessory structures on the property for storage. As shown on the Plat of Survey, the garage is approximately 450 square feet in area and 144 feet from the front lot line. The shed is 64 square feet in areas and is tucked behind the garage. Each of the accessory structures are complaint with the Zoning Code in terms of size. However, they are considered legally non-conforming due to their placement from the property line. The garage is 3.85 feet from the east lot line and the shed is 1.8 feet from the south lot line (at their closest points) where 5 feet is required.

Planning Manager Purvis stated the petitioner has indicated that the GEHS does not have funds available at this time to develop the property, but would like to keep the flexibility to sell the property in the future should they need to do so. They are therefore requesting a variation to allow the accessory structures to remain on the lot without a principal structure, rather than consolidating the lot with the

adjacent museum property. In addition to storage, the lot will occasionally be used in conjunction with the museum site for special events (as they currently do). The petitioner has stated that their current storage on the History Center property I s inadequate in size and infested with mice. Keeping the garage and shed located at 551 Geneva will give the Glen Ellyn Historical Society more room for storage, which is vital to their organization's mission (keeping the history of Glen Ellyn without having to incur greater expense for off-site storage.

Questions from the Zoning Board of Appeals

ZBA Member Covington asked if the lot can be used for fundraising needs. Planning Manager stated it can't be used for fundraising needs as it is zoned R2.

ZBA Member Crudele asked why the neighbors are concerned about it being rezoned. Member Crudele asked if this variation is approved if the zoning would change. Planning Manager Purvis stated the zoning will only change if a petition goes forward to the Plan Commission.

ZBA Member Jones asked if Village staff has any recommendations to keep this property zoned as R2 or to make it commercial. Planning Manager Purvis stated the Historical society would like to keep this property flexible and would like to have the option to sell the property in the future.

ZBA Member Jones asked if the lot can be consolidated to eliminate the need of the zoning variations. Planning Manager Purvis stated a consolidation cannot occur due to split ownership of the property. Planning Manager Purvis stated the Historical society would like to keep this property flexible and would like to have the option to sell the property in the future.

ZBA Member Panther asked if the house is too expensive to fix. Planning Manager Purvis stated she will let the petitioner speak to that questions.

ZBA Chairperson Constantino stated the ZBA is only discussing if an accessory structure can remain on the lot without a principal structure. ZBA Chairperson Constantino stated if the principal structure is removed, then a variation would be required to allow the accessory structure to remain. ZBA Chairperson Constantino stated the ZBA is not discussing future zoning of the property. ZBA Chairperson Constantino noted if the property is sold in the future, the property would need to come in compliance. Planning Manager Purvis confirmed this.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation was Suzanne Carty, petitioner on behalf of the Glen Ellyn Historical Society, owners of the property located at 551 Geneva Road.

Ms. Carty stated she believes this is a straight forward variation request. Ms. Carty stated the principal structure (the house) has mold all throughout it. Ms. Carty noted the house was built in the 1890's, and is actually two homes put together. Ms. Carty noted as well as mold, there are structural and sewer issues. Ms. Carty stated the circumstances around the property is unique, which is what

should allow the variation. Ms. Carty stated the property is right next to the Museum Campus and Stacy's Tavern. Ms. Carty stated at some point, the Historical Society would have liked to incorporate the subject property into the Museum Campus, but noted they do not have the money at this time. Ms. Carty stated the Historical Society is in need of storage that is readily available, which is why this property is perfect. Ms. Carty noted the Historical Society may be need to sell this property in the future. Ms. Carty stated the garage is reasonably set back and is in line with the neighbor's garage. Ms. Carty noted she understands that if the property is sold, the variations are removed and the property needs to come into compliance with the Village Code.

Additional Questions from the Zoning Board of Appeals

ZBA Member Jones asked which portion of the house was built in the 1890's. Ms. Carty stated she was unsure, but mentioned the house is two buildings that were put together. Ms. Carty stated the Historical Society would ideally fix the house, but they do not have the funds for that.

ZBA Member Jones asked if money was not an issue, if the Historical Society would be more inclined to tear down the house or to have it part of the Museum Campus. Ms. Carty stated if there were unlimited funds, this property would be included in the Museum Campus and work would be done to make it match Stacy's Tavern.

ZBA Member Jones asked if the long term goal is the sell the property and use that money for Stacy's Tavern. Ms. Carty confirmed this as a possibility.

ZBA Member Jones asked if the Historical Society has the funds to demolish the property. Ms. Carty confirmed they have these funds from a private donor.

ZBA Member Miller asked if the request is denied, where the Historical Society would store the items already in the shed and garage. Ms. Carty stated without this storage, the Historical Society would run out of storage space and would have to purchase off-site storage.

ZBA Member Panther asked if any of the storage is outside of the shed or garage. Ms. Carty stated all storage is inside, and they would intend to update landscaping with period gardens.

ZBA Member Panther asked if there will be any parking and/or event parking on site. Ms. Carty stated they will continue to use the property for parking, as done is the past.

ZBA Chairperson Constantino asked if the Historical Society is comfortable with the condition that if the property is sold, the property would need to come into compliance with the Zoning Code. Ms. Carty confirmed they are comfortable with this condition.

Persons in Favor of or in Opposition to the Variation Requests

None.

Findings of Fact

ZBA Member Panther stated the following findings of fact: the subject property is located at 551 Geneva Road; the subject property is an interior lot on the south side of Geneva Road between N. Main Street and Highland Avenue; the property is currently zoned as R2 with a mix of zoning districts surrounding the property; the petitioner is Suzanne Carty, on behalf of the Glen Ellyn Historical Society; the petitioner is requesting a recommendation of approval of the following variations of the Glen Ellyn Zoning Code: 1. A variation from 10-4-1(c) to allow accessory structures (garage, shed and driveway) to remain on the property without a principal structure after the principal structure is demolished; the property was gifted to the Glen Ellyn Historical Society in 2014; the Village owns the property to the east (Stacy's Corner); the garage and shed and considered legal non-conforming; the garage has a 0 foot impervious surface setback and is also considered legal non-conforming; the house is in disrepair with structural and mold issues; it is prohibitively expensive to repair; there is a petition of support from the neighbors and the neighbors have expressed interest in keeping the property zoned R2; staff recommended to add a clause to the approval that the property be brought into compliance with the Zoning Code if sold.

ZBA Member Panther continued the findings of fact: petitioner Suzanne Carty stated there are mold and structural issues to the house; two buildings were combined to make one structure, which has also caused structural issues; Ms. Carty has no objection to the approval clause noted by staff; the Historical Society is in need of the storage provided by the shed and garage.

Motion

ZBA Member Covington moved, seconded by ZBA Member Crudele that the Zoning Board of Appeals recommend to approve the Findings of Fact. The motion was 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 Miller and ZBA Member Panther.

Additional Comments from the Zoning Board of Appeals

ZBA Member Covington stated she is in support of the request with the proposed condition.

ZBA Member Crudele stated she is in support of the request with the proposed condition.

ZBA Member Jones stated residents have noted they would like the zoning of this property to stay R2 and noted if the property is sold or incorporated into the Museum Campus, it would likely change the zoning. ZBA Member Jones stated the Historical Society would like to sell of build on the property and noted either would bring the demolition of the garage. ZBA Member Jones stated this is a temporary fix the storage problem and that he is not in favor of the request.

ZBA Member Miller stated this is the definition of a unique request and noted of the gems in Glen Ellyn uses this space for storage. ZBA Member Miller stated he is in support with the proposed condition.

ZBA Member Panther stated he is in favor of the request with the proposed condition. ZBA Member Panther noted there is not real hardship, but noted this is a unique circumstance.

ZBA Chairperson Constantino stated he is in support of the request with the proposed condition. ZBA Chairperson Constantino stated this is an unique circumstance and noted the Historical Society is unable to consolidate the lots and that it is too costly to repair and too costly to obtain off-site storage.

Motion

A motion was made by ZBA Member Crudele and seconded by ZBA Member Covington to close the public hearing for 200 N. Montclair Avenue at 7:51 p.m. The motion was 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 Miller and ZBA Member Panther.

A motion was made by ZBA Member Miller and seconded by ZBA Member Crudele as follows:

Having considered the application of Suzanne Carty, on behalf of the Glen Ellyn Historical Society, owner of the property located at 551 Geneva Rd., Glen Ellyn, for a zoning variation from Section 10-4-1(C) to allow a driveway, garage and shed to remain on the property without a principal structure, 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 June 22, 2021, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following hardship(s) or unique circumstance(s):

1. This property is unique in its location next to the Stacy's Tavern Museum Campus and that it was gifted to the Glen Ellyn Historical Society.

2. The existing home is in a non-usable and non-livable condition and needs to be demolished.

3. The existing on-site garage and shed are used for storage by the Glen Ellyn Historical Society and without the storage on this property, the Historical Society will run out of space and would need to start renting off-site storage.

Subject to the following conditions:

1. The project shall be constructed in substantial conformance with the plans as submitted and the testimony presented at the June 22, 2021 public hearing of the Zoning Board of Appeals.

2. If the property is sold or transferred, the legal nonconforming structures must be removed to be

brought into complaisance to the Village Code.

The motion was carried with 5 "yes" votes and 1 "no" vote. The "yes" votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington, ZBA Member Crudele, ZBA Member Miller and ZBA Member Panther. The "no" votes are as follow: ZBA Member Jones.

A motion was made by ZBA Member Jones and seconded by ZBA Member Crudele to open the public hearing for 85 Sunset Avenue at 7:54 p.m. The motion was 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 Miller and ZBA Member Panther.

PUBLIC HEARING – 85 SUNSET AVENUE

PETITIONER MICHAEL FOLTZ IS REQUESTING A RECOMMENDATION OF APPROVAL OF THE FOLLOWING VARIATIONS FROM THE GLEN ELLYN ZONING CODE: 1. A VARIATION FROM SECTION 10-5-5(C) OF THE ZONING CODE TO ALLOW AN IMPERVIOUS SURFACE SETBACK OF 3 FEET 3 INCHES WHERE AN IMPERVIOUS SETBACK OF 5 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 A PUBLIC MEETING OF THE VILLAGE BOARD.

(Michael Foltz, Manager of 85 Sunset LLC and owner of the property located at 85 Sunset Avenue).

Staff Presentation

Planning Manager Purvis was present to speak regarding the proposed variation request and was sworn in.

Planning Manager Purvis stated the petitioner is Michael Foltz, manager of 85 Sunset LLC, which owns the property located at 85 Sunset Avenue. The subject property is an interior lot located on the east side of Sunset Avenue between Sunset Court and Fairview Avenue. The subject property and all surrounding properties are zoned R2 – Single Family Residential District and are all improved with single-family homes.

Planning Manager Purvis stated the petitioner is requesting a recommendation of approval from the following variations from the Glen Ellyn Zoning Code:

1. A variation from Section 10-5-5(C) of the Zoning Code to allow an impervious surface setback of 3 feet 3 inches where an impervious setback of 5 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 at a public meeting of the Village Board.

Planning Manager Purvis stated Village records indicate that there are no previous variations granted

to this property. Planning Manager Purvis stated the following permits have been issued for the property: Plumbing, 1975; Roof Addition, 1975; Tool shed, 1977; Plumbing, 1983; Driveway Approach, 1997; Sewer Repair, 2002; Sewer Clean Out, 2002; Fence, 2003; Sewage Connection, 2018; SFH Demolition, 2018; SFH New Construction, 2018; Lawn Sprinkler Installation, 2020.

Planning Manager Purvis stated the subject property is approximately 1-acre in size with a lot width of 144 feet. The property owners designed the attached garage to allow their John Deere tractor to enter and exit from the side of the garage (the tractor is 6.5 feet long and 4.5 feet wide without any attachments). The side door of the garage, which is located on the southeast side of the garage, measures only 8 feet 11 inches. The petitioner has indicated that the garage door width provides very little room to maneuver when moving the tractor from the garage to the front driveway. In the attached letter, the applicant's contractor stated that when the tractor was delivered to the site, they noticed right away that the tractor could not make a zero-turn radius from the side garage door onto the walk as originally planned. He admits that he suggested moving the sidewalk 36 inches south of the original (approved/permitted) location while also maintaining the 6-foot wide sidewalk to allow enough room for the tractor to travel on. The contractor also indicates, if the walk was maintained at its original location, 6 feet 3 inches from the south lot line, the home owner would not be able to use the walk as originally intended without the risk of hitting the side of the garage when pulling the tractor in and out and potentially damaging the grass and tacking mud into the garage. These suggested field changes resulted in the sidewalk being installed in the side yard approximately 3 feet 3 inches from the property line, which deviates from the 5-foot setback required for this lot. Note, impervious surface requirements are based upon a sliding scale percentage of the lot width. For single family lots, the 5 foot setback is the maximum requirement for impervious surfaces.

Planning Manager Purvis stated the petitioner is proposing to maintain the sidewalk/impervious surface in its existing location per the attached Final Grading Plan. According to the contractor, allowing the sidewalk to remain will allow the safe travel of the tractor in and out of the garage and provide enough room to accommodate the intended stormwater swale for impervious surfaces.

Planning Manager Purvis stated per Section 10-10-12 of the Glen Ellyn Zoning Code, the petitioner is requesting approval of a construction necessitated zoning variations from the Zoning Code to allow form the maintenance of an existing walkway with a 3 feet 3 inches impervious surface setback. In order for the walkway to remain, the abovementioned variation will need to be granted. Petitioners of support for the variation request were received from the property owners at 81 Sunset Avenue (adjacent lot the south), 90 Sunset Avenue (adjacent property to the west), and 75 Sunset Avenue (one lot south of neighbor).

Questions from the Zoning Board of Appeals

ZBA Member Jones asked if this was a 50 foot wide lot, would the impervious setback be 1 foot. Planning Manager Purvis confirmed this.

ZBA Member Jones asked if there was any difference in the Zoning Code between a sidewalk and driveway. Planning Manager Purvis stated they are considered the same in the Village Code in regards to impervious surface.

ZBA Chairperson Constantino asked if there are any drainage or stormwater concerns. Planning Manager Purvis stated the property has a drywell and swale and noted Senior Civil Engineer McKenna has reviewed the plans had has no stormwater concerns.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation Michael Foltz, Manager of 85 Sunset LLC and owner of the property located at 85 Sunset Avenue; Tracy D. Kasson, petitioner's attorney; Brian P. Casey, petitioner's architect.

Mr. Foltz stated the side door on the garage is to be used for both the tractor and as well as a wheelchair ramp. Mr. Foltz stated if the sidewalk is moved closer to the garage, the tractor wheels would be on the swale and would potentially impact the use of the swale. Mr. Foltz stated the side door on the garage provides the most effective means to using the tractor. Mr. Foltz stated the sidewalk has been placed in the current location to allow for easy snow removal during the winter months. Mr. Foltz stated there are no issues with their neighbors. Mr. Foltz also noted the setback requirement was missed and he was unware that due to the lot size he would need a larger setback.

Mr. Kasson stated this property leads to practical difficulties and a unique circumstance. Mr. Kasson stated the lot size requires a larger impervious surface setback requirement. Mr. Kasson stated the requested variation is needed to accommodate the tractor and wheelchair use. Mr. Kasson stated the request will not alter the character of the neighborhood and noted there is neighbor support to leave the sidewalk where is. Mr. Kasson also stated this variation request will preserve the current landscaping on the property.

Additional Questions from the Zoning Board of Appeals

ZBA Member Crudele asked if the need to use the wheelchair would provide a safety concern/hardship. Mr. Foltz noted the home was built to accommodate his wife's needs and noted she is unable to use stairs.

ZBA Member Miller asked if a wheelchair is able to make the turn on the original planned sidewalk. Mr. Foltz stated his is correct and there is no issues with the wheelchair using the sidewalk as originally planned. Mr. Foltz stated the principal use of the side door on the garage will be for the tractor, which will be used to clear snow for use of the wheelchair.

ZBA Chairperson Constantino if the decision to move the concrete/sidewalk was made once it was realized the tractor would not make the turn as originally planned. Mr. Casey confirmed this.

Persons in Favor of or in Opposition to the Variation Requests

None.

Findings of Fact

ZBA Member Panther stated the following findings of fact: the subject property is located at 85 Sunset Avenue; the subject property is an interior lot located on the east side of Sunset Avenue between Sunset Court and Fairview Court; the subject property and all surrounding properties and zoned R2 and are all improved with single-family homes; the petitioner is Michael Foltz, manager of 85 Sunset LLC, which owns the subject property; the petitioner is requesting a variation for a construction necessitated zoning variation from Section 10-5-5(C) to allow an existing impervious surface to remain on the property approximately 3 feet 3 inches from the property line where 5 feet is required the property is approximately 1 acre with a 114 foot lot width; the approve plan had a sidewalk running along the south side of the wall; during construction it was realized the tractor could not make the turning radius out of the rear garage door to the sidewalk; the contractor shifted the sidewalk 3 feet 3 inches to the south to accommodate the turning radius of the tractor; there are letters of support for the neighbors, including the neighbor directly next to the subject property; the impervious surface setback is based on a sliding scale with the max setback of 5 feet; the removal of 1 foot 9 inches would bring the sidewalk into compliance.

ZBA Member Panther continued the findings of fact: Michael Foltz; Tracy Kasson and Brian Casey were present for the petitioner's presentation; the petitioners stated the sidewalk was designed for tractor and wheelchair access; the sidewalk was designed to keep mud and dirt out of the garage as well as protect the swale; the hardship is created by the impervious surface sliding scale; the sidewalk could remain as is if it was built on a 90 foot lot; the garage was part of the original construction of the home and not part of the addition.

Motion

ZBA Member Covington moved, seconded by ZBA Member Jones that the Zoning Board of Appeals recommend to approve the Findings of Fact. The motion was 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 Miller and ZBA Member Panther.

Additional Comments from the Zoning Board of Appeals

ZBA Member Covington stated she is leaning toward not approving this request. ZBA Member Covington stated the only unique circumstance regarding the property is that a homeowner's use of a wheelchair. ZBA Member Covington noted the wheelchair is able to make the turn from the garage as originally planned. ZBA Member Covington stated she does not see the hardship related to the request.

ZBA Member Crudele stated she in on the fence with this request. ZBA Member Crudele stated this request was reviewed by the Village's Senior Civil Engineer, and there were no concerns regarding

stormwater. ZBA Member Crudele stated a hardship is created by the need of a homeowner to use a wheelchair.
ZBA Member Jones stated he is in favor of this request. ZBA Member Jones noted the sidewalk is not build right on the lot line and stated their neighbor is in support of the request. ZBA Member Jones stated the variation request is minimal. ZBA Member Jones stated a lot width of 120 feet is not common, which makes this a unique circumstance. ZBA Member Jones also stated the ZBA has approved variation request similar to this in the past.

ZBA Member Miller stated this is an impervious surface issue, not just a lot line issue. ZBA Member Miller stated a wheelchair can fit through the garage and sidewalk with the original plans. ZBA Member Miller stated he understands the most efficient way to get the tractor out of the garage is the side door, but noted that is not a hardship.

ZBA Member Panther stated he agrees with the comments made by ZBA Member Miller. ZBA Member Panther stated he is not in favor of this request as he does not see a hardship.

ZBA Chairperson Constantino stated he agrees with the comments made by ZBA Member Jones. ZBA Chairperson Constantino stated the lot size creates a unique circumstance. ZBA Chairperson Constantino stated the Village's Senior Civil Engineer did not have any stormwater concerns and noted he would like to reduce the amount of time the tractor needs to be on the swale. ZBA Chairperson Constantino also noted there is neighbor support of the request. ZBA Chairperson Constantino stated he is in favor of the request.

ZBA Member Covington stated she is not in favor of this request.

ZBA Member Crudele stated she is in favor of this request.

ZBA Chairperson Constantino explained to the petitioner that as the vote currently stands, the motion will not pass, but the variation will still be considered by the Village Board.

A ten minute break was observed between 8:52 p.m. and 9:02 p.m. to allow the petitioners to discuss the vote and next steps.

Mr. Kasson stated the sidewalk was not made wider and noted it was just moved. Mr. Kasson noted the drywell and swale will remain in the same location and noted there are no concerns from the Village's Senior Civil Engineer. Mr. Kasson stated the neighbors are in support of this request. Mr. Kasson also noted the current location of the sidewalk maximizes the best use of the tractor.

<u>Motion</u>

A motion was made by ZBA Member Miller and seconded by ZBA Member Crudele to close the public hearing for 85 Sunset Avenue at 9:02 p.m. The motion was 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 Miller and ZBA Member Panther.

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

Having considered the application of Michael Foltz, owner of the property located at 85 Sunset, Glen Ellyn, for a construction necessitated zoning variation from Section 10-5-5(C) to allow an existing impervious surface to remain on the property approximately 3 feet 3 inches from the property line where 5 feet is required, 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 June 22, 2021, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following hardship(s) or unique circumstance(s):

1. The lot size dictates a greater setback than a smaller lot.

2. Moving the sidewalk to the location in the approved plans will impact the stormwater swale as the tractor will need to drive on it, and this may cause potential drainage issues.

Subject to the following conditions:

1. The project shall be constructed in substantial conformance with the plans as submitted and the testimony presented at the June 22, 2021 public hearing of the Zoning Board of Appeals.

2. The concrete walkway must be maintained.

3. The dry well on the property must be maintained.

The motion was not carried with 3 "yes" votes and 3 "no" vote. The "yes" votes are as follow: ZBA Chairperson Constantino, ZBA Member Crudele and ZBA Member Jones. The "no" votes are as follow: ZBA Member Covington, ZBA Member Miller and ZBA Member Panther.

A motion was made by ZBA Member Panther and seconded by ZBA Member Covington to open the public hearing for 639 Newton Avenue at 9:10 p.m. The motion was 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 Miller and ZBA Member Panther.

PUBLIC HEARING – 523 FAIRWAY COURT

PETITIONER MICHAEL FISHER IS REQUESTING A RECOMMENDATION OF APPROVAL OF THE FOLLOWING VARIATIONS FROM THE GLEN ELLYN ZONING CODE: 1. SECTION 10-5-4(A)4b TO ALLOW AN ACCESSORY STRUCTURE (PERGOLA) WITHIN 10 FEET OF THE PRINCIPAL STRUCTURE TO ENROACH 16.23 FEET INTO THE REAR YARD, WHICH RESULTS IN A REAR YARD SETBACK OF APPROXIMATLEY 23.68 FEET IN LIEU OF THE REQUIRED MINIMUM 40 FOOT YARD SETBACK; 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.

(Michael Fisher, owner of the property located at 523 Fairway Court).

Staff Presentation

Planning Manager Purvis was present to speak regarding the proposed variation request and was sworn in.

Planning Manager Purvis stated the petitioner is Michael Fisher, owner of the property located at 523 Fairway Court. The subject property is a corner lot on the north and east side of Fairway Court, just west of Cumnor Avenue. The subject property, as well as all surroundings properties, are zoned R2 – Residential District and improved with single-family homes.

Planning Manager Purvis stated the petitioner is requesting a recommendation of approval from the following variations from the Glen Ellyn Zoning Code:

1. Section 10-5-4(A)4b to allow an accessory structure (pergola) within 10 feet of the principal structure to encroach 16.23 feet into the rear yard, which results in a rear yard setback of approximately 23.68 feet in lieu of the required minimum 40 foot rear yard setback; 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.

Planning Manager Purvis stated Village records indicate that no variations have been previously granted to this property. Planning Manager Purvis stated the Village has granted the following permits to this property: New Home Construction, 2019; Patio and Retaining Wall, 2019; Irrigation, 2020; Sump Pump Connection, 2020.

Planning Manager Purvis stated the petitioner submitted a building permit application on October 1, 2019 for construction of a pergola, patio and retaining wall. Staff issued the first review of the proposed improvements on October 23, 2019 requesting additional information about the pergola (among other things). A second review of the proposed improvements was issued on November 14, 2019 noting that the location of the proposed pergola was not compliant with the Village Code. On November 23, 2019 the petitioner's architect submitted a review response letter to the Village indicating that the pergola had been removed from the permit application, and the property owners would be seeking a variation to construct the pergola. The plans were then approved by Village staff on December 9, 2019. A variation application to allow the pergola to be constructed on the property within 10 feet of the principal structure was not submitted to staff. A final inspection of the property was performed in February of 2021 in an attempt to close out the permit. At that time, staff noted that the pergola had been constructed without the granting of a variation. The property owner was contacting by staff on February 18, 2021 and given a deadline for submission of a Construction Necessitated Zoning Variation application.

Planning Manager Purvis stated the subject property has a 10-foot wide stormwater management easements that runs through the rear yard and corner side yard at an angle that limits the usable area of the property. The principal structure is constructed up to the 40 foot rear yard setback, and the pergola is approximately 5.6 feet from the house. The Zoning Code requires that all accessory structures within 10 feet of a principal structure meet the same required setback as the principal structure. In other words, because the pergola is within 10 feet of the house, it needs to meet the minimum setback requirements of the principal structure (40 feet from the rear lot line, 30 feet from the front lot line and 10 feet from the side lot lines). Pergolas are permitted to encroach into any required yard, provided there are 10 feet from the principal structure and at least 10 percent of the lot width from any property line.

Planning Manager Purvis stated the petitioner has indicated that a unique circumstance exists due to the stormwater management easement that runs diagonally across the property. The pergola has been constructed as close to the easement as it can be. It is approximately 23.7 feet from the rear lot line (encroaching 16.23 feet into the required rear yard). The pergola is 210 square feet in area and 10 feet tall. Outside of its placement on the property, it is otherwise compliant with the Zoning Code.

Planning Manager Purvis stated the petitioner is requesting to maintain the pergola in its existing location. A variation from Village Code Section 10/5/4(A)4b would need to be granted in order to allow the petitioner to keep the pergola in its current location. Without the granting of the variation, the petitioner will need to remove to pergola. It could be reconstructed in a compliant location on the property. Property owners of eight adjacent properties submitted petitions of support of the variation request.

Questions from the Zoning Board of Appeals

ZBA Member Jones asked if a PUD was put in place when this development was being built. Planning Manager Purvis stated there was not.

ZBA Member Miller asked in which direction the water flows. Planning Manager Purvis stated the water flows from the northeast to the southwest from Cumnor Ave.

ZBA Member Panther noted the patio encroaches into the stormwater easement and asked if that was allowed. Planning Manager Purvis stated that the patio should have not been built there but also note Senior Civil Engineer McKenna has allowed the patio to remain as is.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation was Michael Fisher, owner of the property located at 523 Fairway Court, and Kevin Wallace, petitioner's landscaper.

Mr. Fisher stated he purchased this new construction in November of 2019. Mr. Fisher stated the patio and pergola was a significant component of why his family purchased the home. Mr. Fisher stated the patio was designed with shade as the main priority. Mr. Fisher stated all work was done

through a builder and landscaper. Mr. Fisher stated he was unware of the stormwater easement when they purchased the home, and noted the swale take up 20 percent of usable land in the back of the home. Mr. Fisher stated he was under the impression everything was approved by the Village and he was never made aware of the variation requirement for the patio and pergola. Mr. Fisher stated it will take approximately $20,000 to tear down and rebuild the pergola. Mr. Fisher stated he was surprised and concerned to learn that the permits were not approved by the Village, and once he learned there was an issue, he immediately started working with Village staff to resolve it. Mr. Fisher also noted he has support from 8 direct neighbors. Mr. Fisher also noted without the patio and pergola, his family will not be able to enjoy the backyard in the summer.

Mr. Wallace stated when the pergola was denied by the Village, he was aware a variation would be needed to allow the pergola to be built as proposed. Mr. Wallace stated when the patio permit was issued, it also allowed the footings of the pergola to be installed. Mr. Wallace stated this was not an error by the builders or homeowners but stated it was 100 percent his fault. Mr. Fisher stated his office dropped the ball regarding the variation. Mr. Wallace stated this is the only placement that the patio and pergola can be built due to the stormwater easement.

Additional Questions from the Zoning Board of Appeals

ZBA Member Covington asked if the builder lied to the Fisher's regarding the permits. Mr. Fisher stated he had full trust in the building to handle all permits. Mr. Fisher stated clearly there was not effective communication with him and the building, and didn't think to ask if all permits were approved.

ZBA Chairperson Constantino asked if Mr. Fisher saw the email between Village staff and the architect where it was noted the pergola has been removed from the application. Mr. Fisher stated he was never aware of that email. Mr. Fisher stated during the buying process, he visited the property on several occasions. Mr. Fisher stated during the visits, he discussed the design of the pergola and took the advice he was given at face value. Mr. Fisher stated during this process, he was never made aware of the issues surrounding the pergola.

ZBA Member Miller asked who hired the architect. Mr. Fisher stated the landscapers did.

ZBA Chairperson Constantino asked when Mr. Fisher closed on the property of the home was completed. Mr. Fisher stated it was not complete, but had a temporary certificate of occupancy.

ZBA Member Covington asked if any other ideas were explored to provide shade (trees, patio furniture, etc.) Mr. Wallace stated the pergola is the only option that was explored. Mr. Fisher stated there are two large bushes that were installed to help reduce sunlight from the west, but noted there is not relief from the sunlight from above. Mr. Fisher also noted they have a patio umbrella to help create shade.

Persons in Favor of or in Opposition to the Variation Requests

None.

Findings of Fact

ZBA Member Panther stated the following findings of fact: the subject property is 523 Fairway Court; the subject property is a corner lot on the north and east side of Fairway Court, just west of Cumnor Avenue; the subject property, as well as all surrounding properties, are zoned R2 and improved with single-family homes; the property owner is Michael Fisher, owner of the property; the petitioner is requesting a construction necessitated zoning variation from Section 10-5-4(A)4b to allow an existing pergola on the property to remain within 10 feet of the principal structure and to encroach 16.23 feet into the required rear yard resulting in a setback of approximately 23.68 feet where 40 feet is required; this is a new home construction with a permit issued in 2019; a permit application for the pergola was submitted in 2019 and staff noted the location of the proposed pergola was not compliant with the Village Code, and the architect indicated that the pergola had been removed for the permit application and that the property owner would be seeking a variation to construct the pergola; a permit for the construction was issue and upon final inspection staff realized the pergola had been installed with no permit or variation request; a stormwater management easement runs diagonally across the property limiting the location where accessory structures can be placed; the pergola is 5.6 feet from the house and 210 square feet and 10 feet tall; if the pergola was located 10 feet away from the principal structure the structure would be complaint.

ZBA member Panther continued the findings of fact: petitioner Michael Fisher purchased the home in November of 2019; the improvements to the home, including the patio and pergola, were agreed to with the builder prior to purchasing the home; he was not aware of the emails from the architect stating the pergola would be removed and a variation would be request.

ZBA Member Panther continued the findings of fact: the petitioner's landscaper, Kevin Wallace, stated his company designed the patio and pergola; the footings were installed with the patio; the pergola was built without a permit or zoning variation request;; the cost to tear the pergola down would be approximately $4,000 to $5,000 and to move the pergola would cost approximately $20,000.

ZBA Member Panther continued the findings of fact: petitioner Suzanne Carty stated there are mold

Motion

ZBA Member Covington moved, seconded by ZBA Member Jones that the Zoning Board of Appeals recommend to approve the Findings of Fact. The motion was 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 Miller and ZBA Member Panther.

Additional Comments from the Zoning Board of Appeals

ZBA Member Covington stated this is a tough decision because the variation request is coming to the ZBA after the fact. ZBA Member Covington stated it is difficult to believe that with all individuals who were involved in this process, nobody asked the question if this was approved. ZBA Member Covington stated she sees the challenge that there is no other location to build the patio and pergola.

ZBA Member Crudele stated she agrees with the statements made by ZBA Member Covington. ZBA Member Crudele stated it is upsetting there was email communication stating the pergola has been removed from the plan just to have it built. ZBA Member Crudele did note the property and land leads to a unique circumstance. ZBA Member Crudele stated she is in favor of the request due the land/shape of the lot.

ZBA Member Jones stated he agrees with the statements made by ZBA Member Covington and Crudele. ZBA Member Jones stated if this request came to the ZBA before the pergola was built, he would be in favor of it.

ZBA Member Miller stated it is a dangerous precedent to set to approve this request. ZBA Member Miller stated he would if this request came to the ZBA before the pergola was built that he would be in favor of it. ZBA Member Miller stated he is not in favor of the request due to the fact that it was built without a permit.

ZBA Member Panther stated if this request came to the ZBA before the pergola was built, he would be in favor of it. ZBA Member Panther stated there is a hardship due to the land and swale easement. ZBA Member Panther stated he is in favor of the request, but noted it was frustrating that the pergola was built without the required permits.

ZBA Chairperson Constantino stated he is upset that nobody involved caught this error. ZBA Chairperson Constantino stated they went through the permit process, and should have known a problem existed. ZBA Chairperson Constantino stated if the request was brought to the ZBA before the pergola was built, he would be in favor of it. ZBA Chairperson Constantino stated he is overall not in favor of this request.

ZBA Member Covington stated she is not in favor of this request and is concerned about the precedent it would set to have the ZBA approve this request.

Motion

A motion was made by ZBA Member Miller and seconded by ZBA Member Covington to close the public hearing for 523 Fairway Court at 10:20 p.m. The motion was 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 Miller and ZBA Member Panther.

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

Having considered the application of Michael Fisher, owner of the property located at 523 Fairway Ct., Glen Ellyn, for a construction necessitated zoning variation from Section 10-5-4(A)4b to allow an existing pergola on the property to remain within 10 feet of the principal structure and to encroach 16.23 feet into the required rear yard resulting in a setback of approximately 23.68 feet where 40 feet is required, 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 June 22, 2021, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following hardship(s) or unique circumstance(s):

1. House sits on an existing non-conforming corner lot causing the inability to add a second story without zoning relief. They are not increasing the footprint of the property.

The motion was not carried with 3 "yes" votes and 3 "no" vote. The "yes" votes are as follow: ZBA Member Crudele, ZBA Member Jones and ZBA Member Panther. The "no" votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington and ZBA Member Miller.

Staff Report

Planning Manager Purvis stated there is one case in que that may come to the ZBA in July. Planning Manager Purvis stated there are a few applications in process, but not ready to be brought to the ZBA. Planning Manager Purvis also stated a new Planner will be starting on July 7.

Trustee Liaison Report

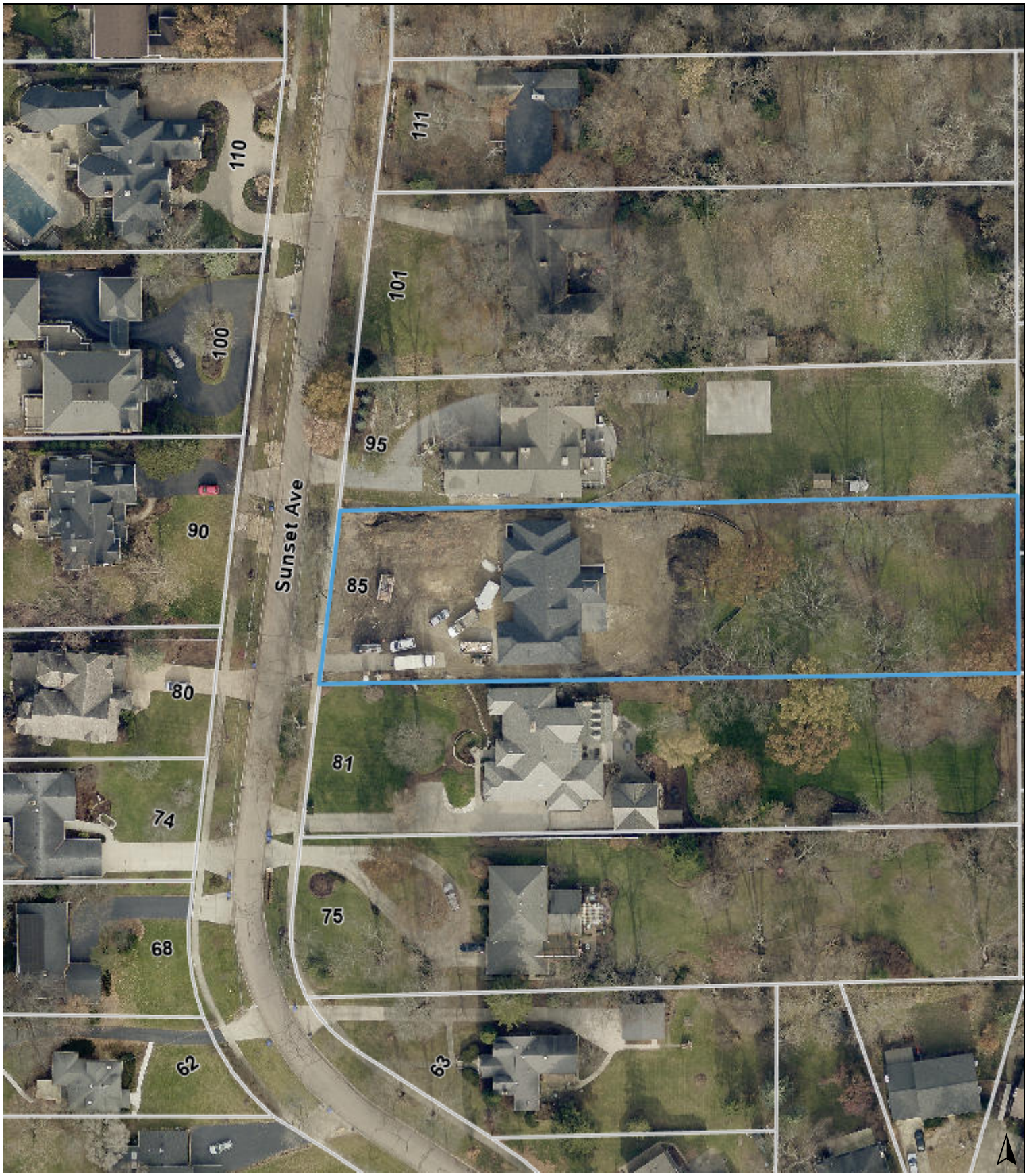
Trustee Gould stated the Village Board met to discuss the Streetscape project and lane configuration. Trustee Gould stated the moratorium on cannabis was extended to allow the new trustees to get up to speed on the issue.

Adjournment

At 10:32 p.m. a motion was made by ZBA Member Miller and seconded by ZBA Member Panther to adjourn the meeting. The motion was 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 Miller and ZBA Member Panther

Lindsey Kaminsky
Recording Secretary

GISConsortium | 85 Sunset Aerial Map



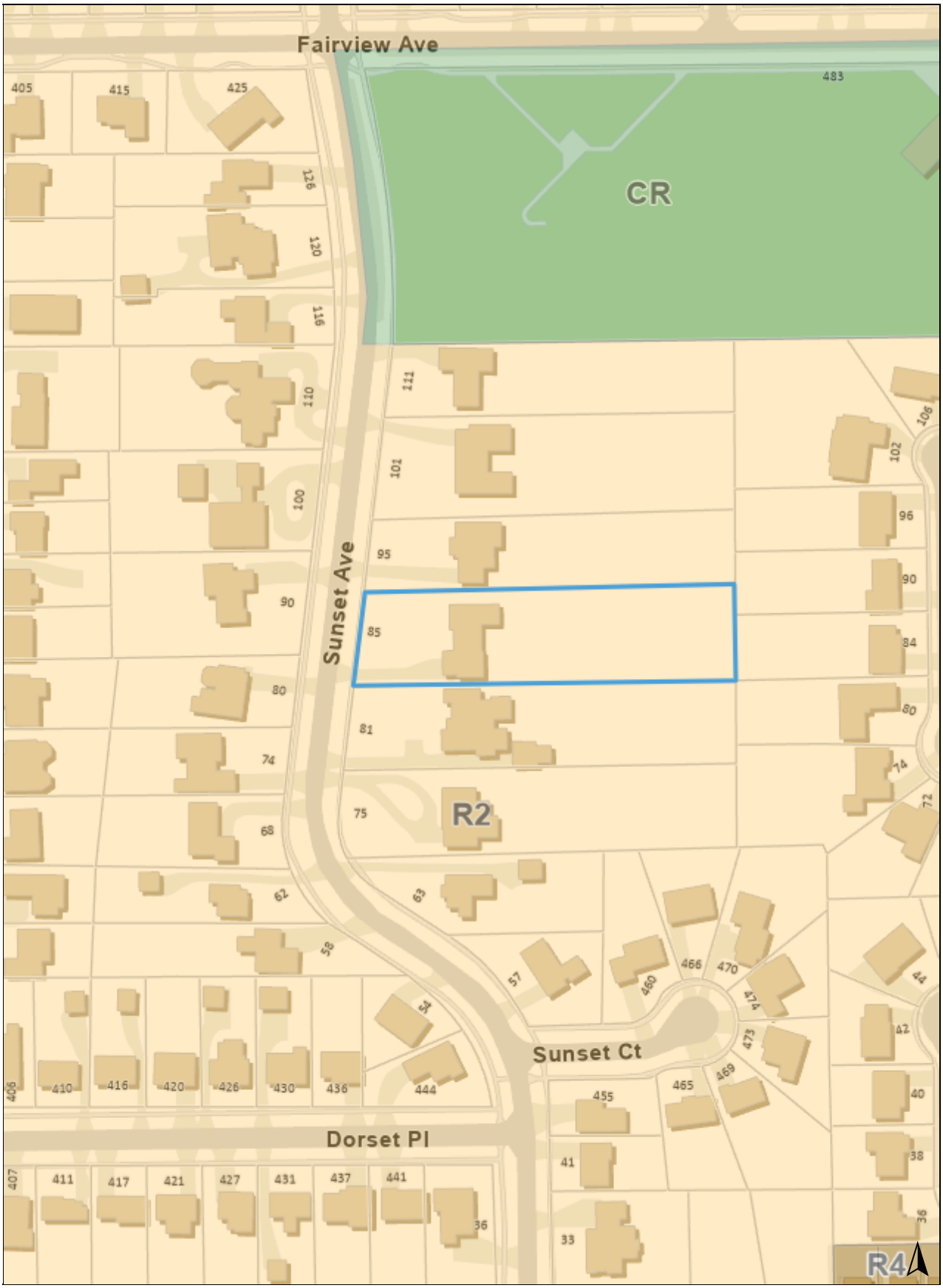
0 100 200 ft

Print Date: 6/14/2021

Notes

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.

GISConsortium | 85 Sunset Avenue Zoning Map



Legend

Zoning and Development

Zoning

- CR: Conservation/Recrea District
- R2: Single Family Residential District
- R4: Multi-Family Residential District

0 200 400 ft

Print Date: 6/14/2021

Notes

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

APPLICATION FOR VARIATION

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

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: 85 Sunset, LLC

Address: 85 Sunset Avenue, Glen Ellyn, IL 60137

Home Phone No.: _____ Work Phone No.: _____

Mobile Phone No.: 630-215-3917 Fax No.: _____

E-mail: mfoltz@att.net

Ownership Interest in the Property in Question: Owner

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

NOTE: All parties, whether petitioner, agent, attorney, representative and or organization et al. must be fully disclosed by true name and address in

compliance with Section 10-10-10(B) of the Zoning Code. Disclosure forms are attached for your convenience.

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

_____

_____

_____

_____

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

_____

_____

_____

_____

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

YES NO

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

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

YES NO

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

III. PROPERTY INFORMATION:

Common address: 85 Sunset Avenue, Glen Ellyn, IL

Permanent tax index number: 05-14-307-111

Legal description:

See attached.

Zoning classification: _____

Lot size: 114.41 (average) ft. x 446.23 (average) ft. Area: ± 50,856 sq. ft.

Present use: Single family home

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):
Variation from Section 10-5-5(C) to reduce the sidewalk setback on the south side of the house from 5.7 feet to 3 feet 3 inches

Estimated date to begin construction: _____

Names and addresses of any experts (e.g., planner, architect, engineer, attorney, etc.):
Tracy D. Kasson, Rathje Woodward LLC, 300 E. Roosevelt Rd., Suite 300, Wheaton, IL 60187

Brian P. Casey, Outdoor Upgrades, Inc., 545 Gierz St., Downers Grove, IL 60515

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:

   See responses to all standards attached to this application.

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:

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

_____

_____

_____

_____

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:

_____

_____

_____

_____

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:

_____

_____

_____

_____

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:

_____

_____

_____

_____

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.

_____

_____

_____

_____

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

_____

_____

_____

_____

6. Provide evidence that the proposed variation will not:

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

   _____

   _____

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

   _____

   _____

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

   _____

   _____

   d. Diminish or impair property values within the neighborhood;

   _____

   _____

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

_____

_____

f. Create a nuisance; or

_____

_____

g. Results in 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.

_____

_____

_____

_____

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

_____

_____

_____

_____

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.

5/26/2021	Michael Foltz, Manager of 85 Sunset LLC	Michael C Foltz
Date	Print Name	Signature of Applicant
Date	Print Name	Signature of Applicant
Date	Print Name	Signature of Applicant

AN LLC

OWNERSHIP BY ~~A CORPORATION~~

Date: _____

Address: 85 Sunset Avenue, Glen Ellyn, IL

Legal Description: _____

LIST ALL ~~SHAREHOLDERS AND OFFICERS/DIRECTORS~~ MEMBERS (AND % OF INTEREST OWNED IN EXCESS OF 5% OF ~~STOCK~~ MEMBERSHIP)

Name: Michael C. Foltz Declaration of Trust dated September 1, 2000 Address: 85 Sunset Avenue, Glen Ellyn, IL % 50

Name: Kim M. Foltz Declaration of Trust dated August 1, 2000 Address: 85 Sunset Avenue, Glen Ellyn, IL % 50

Name: _____ Address: _____ %_____

Name: _____ Address: _____ %_____

Name: _____ Address: _____ %_____

Name: _____ Address: _____ %_____

Name: _____ Address: _____ %_____

Name: _____ Address: _____ %_____

Name: _____ Address: _____ %_____

Name: _____ Address: _____ %_____

Name: _____ Address: _____ %_____

Name: _____ Address: _____ %_____

Name: _____ Address: _____ %_____

Name: _____ Address: _____ %_____

Name: _____ Address: _____ %_____

Name: _____ Address: _____ %_____

REIMBURSEMENT OF FEES AGREEMENT

Village of Glen Ellyn Acct: #_____
Initial Deposit Amount: _____

I. DESCRIPTION OF PROJECT:_____

II. OWNER:
- A. Owner of Property: 85 Sunset, LLC
- B. Owner's Address: 85 Sunset Avenue, Glen Ellyn, IL 60137
- C. Owner's Home Phone Number: 630-215-3917 Fax: _____
- D. Owner's Work Phone Number:_____
- E. Owner's E-mail: mfoltz@att.net
- F. If Owner is a Land Trust or Corporation, the attached disclosures of interest should be filled out.

III. PERSON MAKING REQUEST (Petitioner):
- A. Name of Petitioner: N/A
- B. Petitioner's Address:_____
- C. Petitioner's Home Phone Number: _____
- D. Petitioner's Work Number: _____
- E. Petitioner's E-mail: _____

IV. LOCATION OF PROPERTY:
- A. General Location of Property: 85 Sunset Avenue, Glen Ellyn, IL
- B. Acreage of Parcel: ± 50,856 sq. ft.
- C. Permanent Index Number(s): 05-14-307-111
- D. Legal Description (Please attach)

V. REIMBURSEMENT OF FEES:

The Ordinances of the Village require the owners of property, or individuals seeking to utilize property, to receive approval by ordinance or the issuance of a permit to undertake various uses or improvements of property in the Village. These uses can include requests for textual or map changes in the Zoning Ordinance, applications for building permits, requests for zoning relief and other similar requests. The Village has established a fee schedule for the anticipated use of staff time in processing such petitions or applications. In many cases, however the Village cannot reasonably evaluate the validity or compliance of the petition or application with the Ordinances of the Village without the use of reports from various consultants. In some cases, the application or petition requires among other things, public hearings and associated public notice costs, preparation of minutes or transcripts from the public hearing or meeting, recording costs of Ordinances and the preparation of reports by consultants whose services require the payment of out-of-pocket expenses by the Village. These expenses would not have been incurred but for the petition or application. The Village does not intend to seek to make a profit on its utilization of such consultants, but requires that the applicant, or the person receiving benefit, shall be obligated to reimburse the out-

of-pocket expenses incurred by the Village. The Village shall seek to employ consultants who shall charge rates consistent with those paid by private parties who seek similar consulting services. The Village intends, through this Agreement, to cause the payment of out-of-pocket expenses and to require the creation of an escrow fund to guarantee that the petition or application will not result in the citizens of the Village being required to pay for costs incurred at the request of the owner or applicant.

This document shall constitute a contract when an application is made for a license, permit, request for zoning relief or other approval involving the use of real property. Should the Village, in its sole and exclusive discretion, determine that it is necessary or desirable for the Village to obtain professional services, including, but not limited to, attorneys, engineers, planners, architects, surveyors, court reporters, traffic, drainage or other consultants, including full and/or part time site inspection services during the actual construction of any required improvements, and/or to incur costs related to any required notices or recordations, in connection with any application or petition filed by the petitioner then the petitioner and owner shall be jointly and severally liable for the payment of such professional fees and costs, as shall actually be incurred by the Village. The Planning and Development Director is hereby authorized to assign the above described services to the Village staff or to consultants, as the Director deems appropriate and without prior notification to the petitioner.

Any application or petition to be reviewed by the Planning and Development Department or by the Plan Commission shall require the petitioner to establish an escrow account with the Village in an amount determined by the Planning and Development Director to reimburse the Village for all out of pocket costs associated with the request. These out of pocket costs will cover such things as services provided by the Village's consulting engineer, consulting attorney, consulting planner, traffic consultant, wetland consultant, landscape consultant, architectural consultant, appraiser and transcriber, among others, as well as reproduction costs, public hearing notice costs, recording costs, etc. Along with the application the petitioner shall also submit a signed copy of this agreement thereby acknowledging and agreeing to reimburse the Village for all out of pocket costs associated with the application or petition.

This agreement shall be accompanied by an initial deposit in an amount to be determined by the Director of Planning and Development but shall be no less than $500. The Village will provide an itemized list of Village expenses incurred related to any charge to the escrow account, and the petitioner shall deposit funds to reimburse the Village for those expenses upon notice from the Village that the deposit has dropped below $300. If the expenses are not reimbursed, then reviews meetings and permits associated with out of pocket costs will cease, and the request will not be moved forward through the review process. At the completion of the review process, and development of the project, if appropriate, any remaining balance from the deposit will be returned to the petitioner, without interest, after all expenses have been paid.

The Village shall deduct the incurred expenditures and costs from the funds deposited. If the remaining deposit balance falls below $300.00, the petitioner, upon notice by the Village, shall be required to replenish the deposit to its initial amount. The Village shall mail the petitioner regular invoices for the fees and costs incurred. The petitioner shall replenish the deposit amount within thirty (30) days of issuance of each such invoice directing replenishment of the deposit.

A petitioner who withdraws his or her petition may apply in writing to the Planning and Development Director for a refund of his or her remaining escrow balance. The Planning and Development Director may, at his or her discretion, approve such refund less any actual fees and costs, which the Village has already paid or incurred relative to the application.

Upon the failure of the petitioner or owner to reimburse the Village in accordance with this Agreement, no further action shall be undertaken on the application by the Village President and Board of Trustees, or by any other official or quasi-official individual or body thereunder, including the conduct of any hearings or deliberations, reviews of any plans or applications, the granting of any relief or approvals, issuance of any permits or occupancies, performance of inspections and the execution or recording of any documents, until all such outstanding fees are paid in full and/or the initial deposit is restored to its full amount. Upon any failure to reimburse the Village in accordance with this Section, the Village may in its discretion, apply any or all of the initial deposit to the outstanding balance due.

The remedies available to the Village as set forth hereinabove are non-exclusive and nothing herein shall be deemed to limit or waive the Village's right to seek relief of such fees against any or all responsible parties in a court of competent jurisdiction.

Any remaining balance of any funds deposited pursuant to this Agreement shall be refunded at such time as the completion of Village deliberation on the petition or application, recordation of all necessary documents associated with the petition or application, issuance of a building permit, approval of a final inspection, or issuance of a final certificate of occupancy upon the real property in question whichever occurs later.

BY SIGNING BELOW, THE PETITIONER AND OWNER ACKNOWLEDGE THAT EACH OF THEM HAS READ THE FOREGOING PARAGRAPHS AND EACH OF THEM FULLY UNDERSTANDS AND AGREES TO COMPLY WITH THE TERMS SET FORTH HEREIN. FURTHER, BY SIGNING BELOW, EACH SIGNATORY WARRANTS THAT HE/SHE/IT POSSESSES FULL AUTHORITY TO SO SIGN.

THE PETITIONER AND OWNER AGREE THAT PETITIONER AND OWNER SHALL BE JOINTLY AND SEVERALLY LIABLE FOR PAYMENT OF FEES REFERRED TO IN APPLICABLE SECTIONS OF THE ORDINANCES OF THE VILLAGE OF GLEN ELLYN, AND THE OBLIGATIONS FOR PAYMENT RELATING TO THE FILING OF PETITION OR APPLICATION, AS SET FORTH HEREIN.

_____	Village of Glen Ellyn
Petitioner and Owner, 85 Sunset LLC By: Michael Foltz, its Manager	
_____	By:_____
Owner	Planning and Development Director
Date: _____	Date: _____

X:\Plandev\PLANNING\FORMS\Zoning Variation Request Packet - Construction Necessitated 072817 lg.docx

III. PROPERTY INFORMATION:

Common Address: 85 Sunset Avenue, Glen Ellyn, IL

Permanent Tax Index Number(s): 05-14-307-111-0000

Legal Description:

LOT 4 (EXCEPT THE EAST 100.0 FEET THEREOF AS MEASURED ON THE NORTH LINE AND ON THE SOUTH LINE THEREOF) IN STOKBURGER'S RESUBDIVISION OF ALL OF GARDELLA SUBDIVISION, MILTON TOWNSHIP, DUPAGE COUNTY, BEING A SUBDIVISION OF D.J. WORTH'S LOT "A" WHICH WAS A CONSOLIDATION OF BLOCK 15 AND THE NORTH 1.08 ACRES OF BLOCK 12 OF E.W. ZANDER AND COMPANY'S COUNTRY HOMES ADDITION TO GLEN ELLYN, ACCORDING TO THE PLAT OF STOKBURGER'S RESUBDIVISION RECORDED DECEMBER 28, 1949, AS DOCUMENT 583464, IN DUPAGE COUNTY, ILLINOIS,

ALSO LOT OR BLOCK 12 (EXCEPT THE NORTH ONE ACRE THEREOF, AS MEASURED ON THE EASTERLY LINE OF SAID LOT OR BLOCK 12 AND ALSO EXCEPT THE EAST 100.0 FEET AS MEASURED ON THE NORTH LINE AND ON THE SOUTH LINE OF SAID LOT OR BLOCK 12) IN E.W. ZANDER'S COUNTRY HOMES ADDITION TO GLEN ELLYN, IN SECTION 14, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 10, 1909, AS DOCUMENT 95781, IN DUPAGE COUNTY, ILLINOIS.

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 subject property is over one (1) acre in size. The owners designed the garage to be able to accommodate owner's John Deere tractor in the back of the garage. This tractor has a snow blower attachment and could have a mower attachment as well. A side door, located in the southeast corner of the garage, was designed so that the tractor could be pulled out of the garage through the side door which measures 8 feet 11 inches, almost the width of a single car garage door. Prior to the concrete being poured for the sidewalk leading from the back of the garage to the driveway, the contractor noticed the sidewalk would not provide enough turning radius to accommodate the tractor on the sidewalk. Rather than locating the sidewalk along the side of the house, the contractor moved the sidewalk approximately 36 inches to the south so that the tractor could pull in and out on the sidewalk when the area is wet rather than the grass, which would damage the grass and track mud around the property and into the garage and also to avoid hitting the side of the garage door when trying to navigate the turn out of the garage. Also, landscape plantings were planned to be installed along the side of the house to soften the appearance of the side of the house from the south neighbor's windows. The sidewalk, after construction, was still over 3 feet 3 inches from the southerly property line.

Unfortunately, because of the Village's sliding setback requirement for impervious surfaces based on lot width, the required setback for this property is five percent (5%) of the lot width. Since the lot is 114 feet wide, the required setback is 5.7 feet. If the Subject Property were 90 feet wide, the required setback would be 2.7 feet; if 70 feet wide, 2.1 feet; and, if 50 feet wide, 1 foot. Consequently, if the owner's lot were 90 feet or less, the sidewalk, in its current location, would meet the Village's impervious sidewalk setback and the tractor would have an adequate turning radius on the sidewalk. These are the practical difficulties.

Various pictures and a three-dimensional plan are enclosed showing the sidewalk, side door, and tractor and how the sidewalk, in its original location, could not accommodate the tractor's turning radius. Some other pictures show the inside of the garage which shows that it was designed to accommodate four cars and the tractor in back of the garage and the large side garage door to accommodate the tractor. Lastly, a letter from the landscape contractor is enclosed, further explaining the circumstances leading up to the sidewalk being poured in its current location.

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 subject property is over one (1) acre in size. The owners designed the garage to be able to accommodate owner's John Deere tractor in the back of the garage. This tractor has a snow blower attachment and could have a mower attachment as well. A side door, located in the southeast corner of the garage, was designed so that the tractor could be pulled out of the garage through the side door which measures 8 feet 11 inches, almost the width of a single car garage door. Prior to the concrete being poured for the sidewalk leading from the back of the garage to the driveway, the contractor noticed the sidewalk would not provide enough turning radius to accommodate the tractor on the sidewalk. Rather than locating the sidewalk along the side of the house, the contractor moved the sidewalk approximately 36 inches to the south so that the tractor could pull in and out on the sidewalk when the area is wet rather than the grass, which would damage the grass and track mud around the property and into the garage and also to avoid hitting the side of the garage door when trying to navigate the turn out of the garage. Also, landscape plantings were planned to be installed along the side of the house to soften the appearance of the side of the house from the south neighbor's windows. The sidewalk, after construction, was still over 3 feet 3 inches from the southerly property line.

Unfortunately, because of the Village's sliding setback requirement for impervious surfaces based on lot width, the required setback for this property is five percent (5%) of the lot width. Since the lot is 114 feet wide, the required setback is 5.7 feet. If the Subject Property were 90 feet wide, the required setback would be 2.7 feet; if 70 feet wide, 2.1 feet; and, if 50 feet wide, 1 foot. Consequently, if the owner's lot were 90 feet or less, the sidewalk, in its current location, would meet the Village's impervious sidewalk setback and the tractor would have an adequate turning radius on the sidewalk. These are the unique circumstances.

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 adjoining neighbor to the south supports the variation request. This letter is included with the exhibit. This is the only property that could be impacted by this variation. Also, as previously noted, this sidewalk would be conforming if the Subject Property were 90 feet or less. Consequently, the requested variance will not alter the essential character of 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:

As noted in A1 above, the house was designed to accommodate the owner's tractor in the garage and to be able to pull it in and out of the garage via the side door, which was oversized to accommodate the tractor. Owner uses this tractor to maintain this large lot. Because this lot is 114 feet wide, the sidewalk must be set back 5.7 feet from the property line under the Village's Zoning Ordinance. With such a large setback, the owner cannot not get its tractor in and out of the side door on the sidewalk. If this lot were 90 feet or less wide, the sidewalk's setback in the current location would meet the Village's requirement.

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:

As noted before, any lots located in this zoning district that are 90 feet or less would meet the proposed setback requirement. Also, many homes are not designed to accommodate a tractor in the garage with the ability to use a side door of the garage to enter and exit. Consequently, this variation request would not be applicable generally to other property within the same zoning district.

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:

It is not. It is based on the desire to be able to use a tractor to help maintain the Subject Property.

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 is created by the size and width of the lot which requires a greater setback than other lots. As noted before, the setback would be conforming for any lot 90 feet wide or less. Also, having a tractor helps with maintaining this large lot, which is over one acre.

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 adjoining neighbor to the south supports the variation request. This letter is included with the exhibit. This is the only property that could be impacted by this variation. Also, as previously noted, this sidewalk would be conforming if the Subject Property were 90 feet or less. Consequently, the requested variance will not alter the essential character of the area.

6. Provide evidence that the proposed variation will not:

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

This is an impervious material setback variance. It will not affect the supply of light and air to adjacent property.

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

It will not. This is an impervious material setback variance.

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

It will not.

d. Diminish or impair property values within the neighborhood;

The adjoining neighbor to the south supports the variation request. This letter is included with the exhibit. This is the only property that could be impacted by this variation. Also, as previously noted, this sidewalk would be conforming if the Subject Property were 90 feet or less. Consequently, the requested variance will not alter the essential character of the area.

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

It will not. This is an impervious material setback variance.

f. Create a nuisance; or

It will not.

g. Results in an increase in public expenditures.

It will not.

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

The proposed variance is the minimum variation for an adequate turning radius for the owner's tractor.

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

Village of Glen Ellyn
Zoning Board of Appeals
535 Duane St.
Glen Ellyn, IL 60137

Re: Variance for Sidewalk at South Side of 85 Sunset Ave.

To Whom It May Concern:

Please note that we live at the address noted below, which is adjacent to the sidewalk in question at 85 Sunset Ave.

We approve Glen Ellyn granting a variance to permit the sidewalk on the south side of the property to extend over the required setback line.

Signature	Printed Name	Date
	JOHN R. TRIMARCO	3/29/2021
	Arlene E. Trimarco	3/29/21

Address of our property: 81 Sunset Ave Glen Ellyn IL 60137

Village of Glen Ellyn
Zoning Board of Appeals
535 Duane St.
Glen Ellyn, IL 60137

Re: Variance for Sidewalk at South Side of 85 Sunset Ave.

To Whom It May Concern:

Please note that we live at the address noted below, which is just across the street from the sidewalk in question at 85 Sunset Ave.

We approve Glen Ellyn granting a variance to permit the sidewalk on the south side of the property to extend over the required setback line.

Signature	Printed Name	Date
Peter MacEntee	Peter MacEntee	4/5/2021
Rachel R MacEntee	Rachel R MacEntee	4/5/21

Address of our property: 90 Sunset Ave, Glen Ellyn IL 60137

Village of Glen Ellyn
Zoning Board of Appeals
535 Duane St.
Glen Ellyn, IL 60137

Re: Variance for Sidewalk at South Side of 85 Sunset Ave.

To Whom It May Concern:

Please note that we live at the address noted below, which is just across the street from the sidewalk in question at 85 Sunset Ave.

We approve Glen Ellyn granting a variance to permit the sidewalk on the south side of the property to extend over the required setback line.

Signature	Printed Name	Date
Paul Ross M.D.	Paul Ross, MD	4.15.21
G Ross	Gilda Ross	4.15.21

Address of our property: 80 Sunset Avenue
(Glen ellyn)

Village of Glen Ellyn
Zoning Board of Appeals
535 Duane St.
Glen Ellyn, IL 60137

Re: Variance for Sidewalk at South Side of 85 Sunset Ave.

To Whom It May Concern:

Please note that we live at the address noted below, which is near the sidewalk in question at 85 Sunset Ave.

We approve Glen Ellyn granting a variance to permit the sidewalk on the south side of the property to extend over the required setback line.

Signature	Printed Name	Date
Paul Cornejo	Paul Cornejo	4/5/21
Melissa Cornejo	Melissa Cornejo	4-5-21

Address of our property: 75 Sunset Ave., Glen Ellyn, IL 60137

outdoor upgrades
ENJOY YOUR OUTDOORS

630.640.3991
PO Box 327, Clarendon Hills, IL 60514
OUTDOORUPGRADESINC.COM

March 13, 2021

Village of Glen Ellyn
Zoning Board of Appeals
535 Duane St.
Glen Ellyn, IL 60137

RE: 85 Sunset Ave., Glen Ellyn, IL

To whom it may concern,

This is a brief narrative on how the south side yard walk ended up at its current location.

The walk was intended to go in as planned and per code. Prior to the walk being formed and poured, I happened to be onsite and noticed the tractor was delivered. It was a good size tractor (75" long, 55" wide, without any attachments), and I realized right away that it could not make a zero turn radius out of the side garage, onto the walk as planned. Without even considering the setback (my momentary lapse in judgement), I suggested moving the walk 36" south from the original location and still maintain the planned 6' walk width. This would allow more room for the tractor to make the turn in and out of the garage and we still had 3'-3" to the property line to accommodate the intended swale.

The change was not intended to deviate from code, I was just trying to make the walk more functional since it was not yet installed, and did not realize what I had done until it was pointed out by the Village.

Please let me know if you have any questions or need any additional information.

Thank you,

B. P. Cay

Brian P. Casey
President

C CUBS
DEWALT

Breda
630-894-0265
CAHW
C CUBS

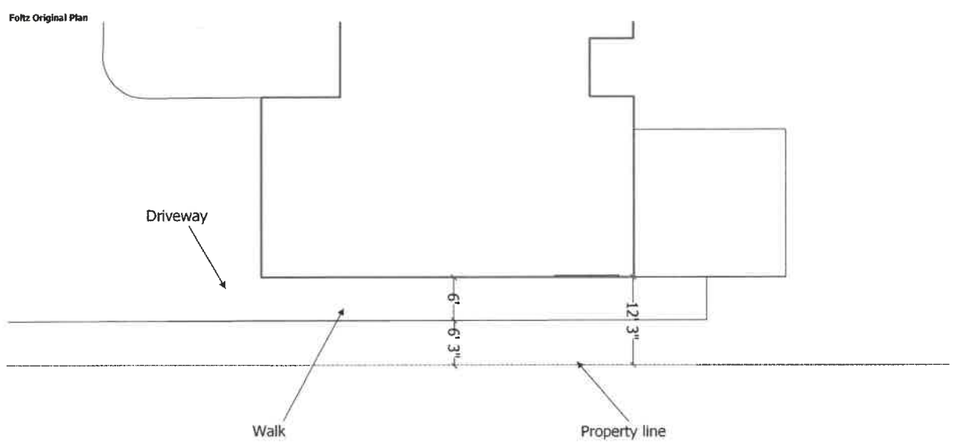
Breda
630-894-0265
C CUBS

WERNER

JOHN DEERE
X738
414
Little Giant Ladder Systems

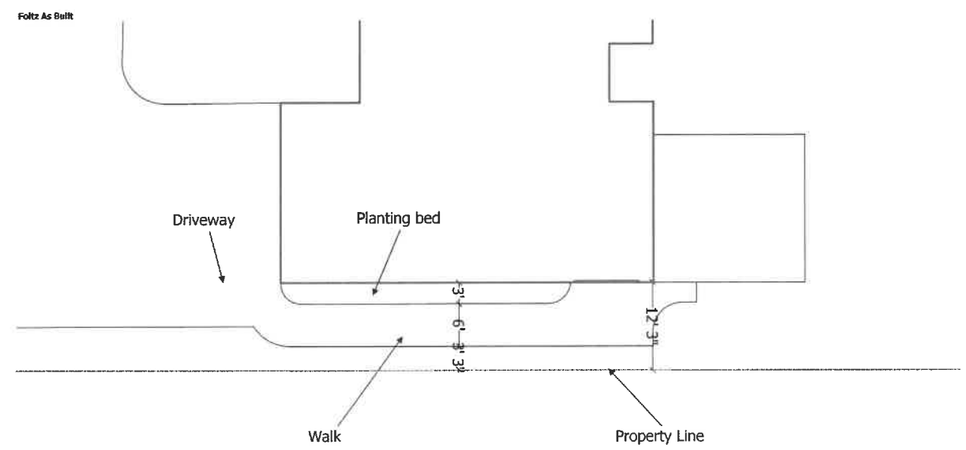
Foltz Residence

Original Plan



Scale: 1/8" = 1 ft

As Built



Scale: 1/8" = 1 ft

AS-CONSTRUCTED FINAL GRADING PLAN

LOT 4 (EXCEPT THE EAST 100.0 FEET THEREOF AS MEASURED ON THE NORTH LINE AND ON THE SOUTH LINE THEREOF) IN STOKBURGER'S RESUBDIVISION OF ALL GARDELLA SUBDIVISION, MILTON TOWNSHIP, DUPAGE COUNTY, BEING A SUBDIVISION OF D.J. WORTH'S LOT "A" WHICH WAS A CONSOLIDATION OF BLOCK 15 AND THE NORTH 1.08 ACRES OF BLOCK 12 OF E.W. ZANDER AND COMPANY'S COUNTRY HOMES ADDITION TO GLEN ELLYN, ACCORDING TO THE PLAT OF STOCKBURGER'S RESUBDIVISION RECORDED DECEMBER 28, 1949, AS DOCUMENT 583464, IN DUPAGE COUNTY, ILLINOIS, ALSO LOT OR BLOCK 12 (EXCEPT THE NORTH ONE ACRE THEREOF AND EXCEPT THE SOUTH 200 FEET THEREOF, AS MEASURED ON THE EASTERLY LINE OF SAID LOT OR BLOCK 12 AND ALSO EXCEPT THE EAST 100.0 AS MEASURED ON THE NORTH LINE AND ON THE SOUTH LINE OF SAID LOT OR BLOCK 12) IN E.W. ZANDER'S COUNTRY HOMES ADDITION TO GLEN ELLYN, IN SECTION 14, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 10, 1909, AS DOCUMENT 95781, IN DUPAGE COUNTY, ILLINOIS.

COMMON ADDRESS: 85 SUNSET AVENUE, GLEN ELLYN, ILLINOIS
PIN: 05-14-307-006 AND 05-14-307-011

VCBMP REQUIREMENTS:

AS-CONSTRUCTED IMPERVIOUS = 10,229 S.F.
VOL. REQ. = 10,229 S.F. x 1.25in / 12 in./FT. = 1,065 C.F.
(ASSUMING 36% VOID RATIO)

BMP VOLUME PROVIDED (4 FT. DEEP DRYWELL)
VOL= 8' X 54' X 4' X 0.36 = 622 C.F. (REAR DRY-WELL)
VOL= 20' X 22' X 4' X 0.36 = 633 C.F. (FRONT DRY-WELL)
TOTAL = 1,255 C.F.

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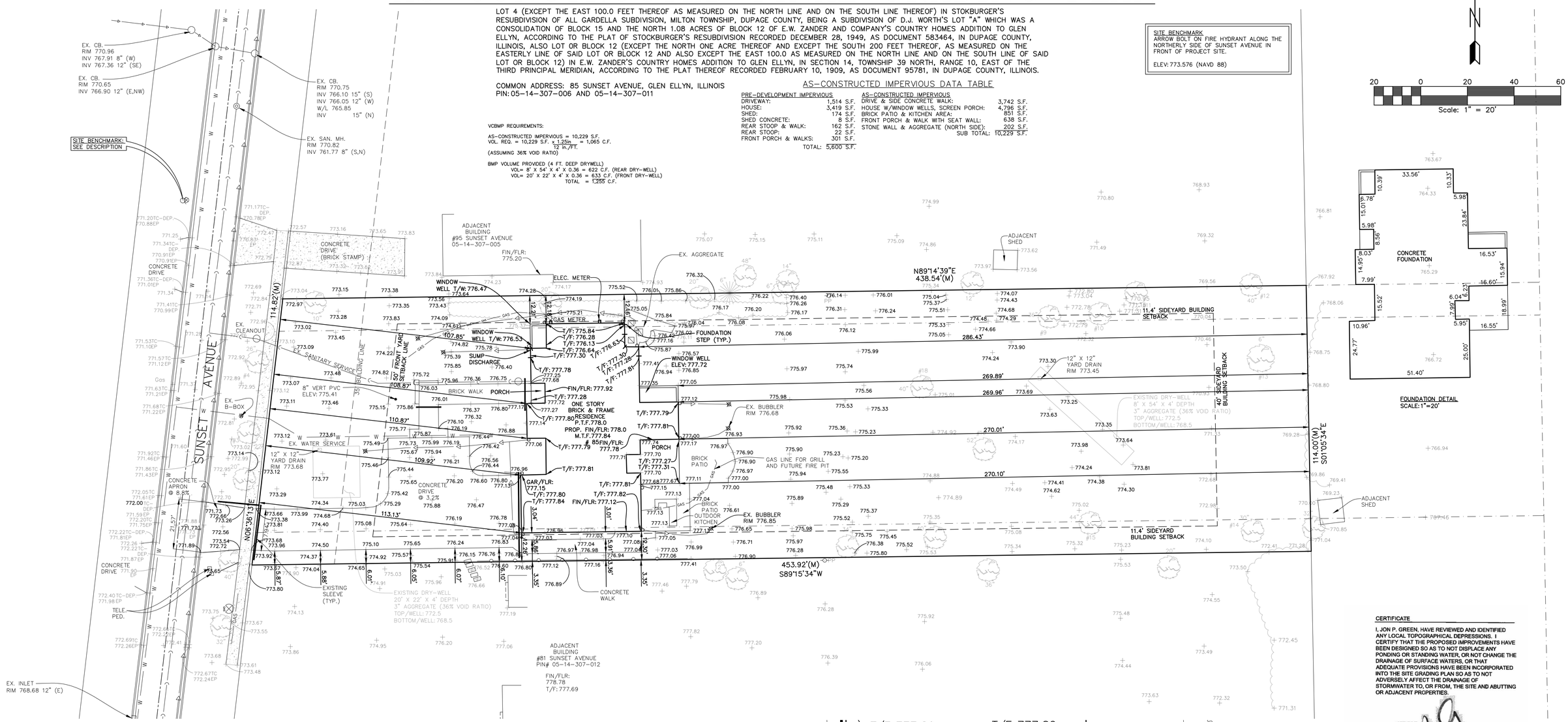
SITE BENCHMARK
ARROW BOLT ON FIRE HYDRANT ALONG THE NORTHERLY SIDE OF SUNSET AVENUE IN FRONT OF PROJECT SITE.

ELEV: 773.576 (NAVD 88)

SITE BENCHMARK: SEE DESCRIPTION



Scale: 1" = 20'

EXISTING GRADE	+XXX.XX
EXISTING CONTOUR	XX
PROPOSED GRADE	+XXX.XX
PROPOSED CONTOUR	XXX
PROPOSED FLOW	
SILT FENCE	—XX—XX—
CONSTRUCTION SAFETY FENCE	—X—

KEY:
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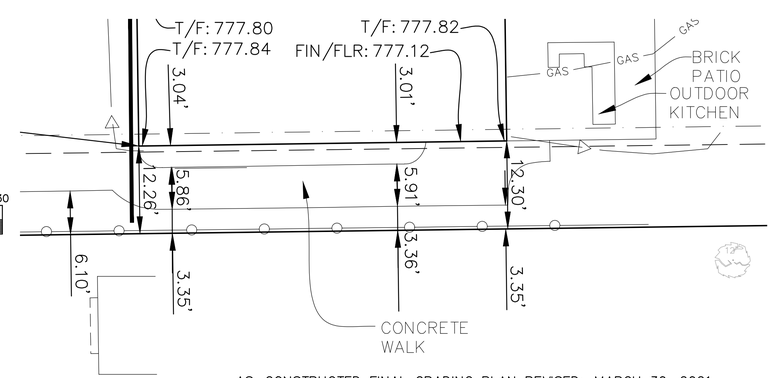

Scale: 1" = 10'

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PREPARED FOR: PATRICK J. MURPHY BUILDERS, INC.

DRAWN BY: B.L.
CHECKED BY: J.G.
APPROVED BY: J.G.

ENGINEERING RESOURCE ASSOCIATES
3S701 WEST AVENUE, SUITE 150
WARRENVILLE, ILLINOIS 60555
PHONE (630) 393-3060
FAX (630) 393-2152

10 S. RIVERSIDE PLAZA, SUITE 875
CHICAGO, ILLINOIS 60606
PHONE (312) 474-7841
FAX (312) 474-6099

2416 GALEN DRIVE
CHAMPAIGN, ILLINOIS 61821
PHONE (217) 351-6268
FAX (217) 355-1902

CERTIFICATE

I, JON P. GREEN, HAVE REVIEWED AND IDENTIFIED ANY LOCAL TOPOGRAPHICAL DEPRESSIONS. I CERTIFY THAT THE PROPOSED IMPROVEMENTS HAVE BEEN DESIGNED SO AS TO NOT DISPLACE ANY PONDING OR STANDING WATER, OR NOT CHANGE THE DRAINAGE OF SURFACE WATERS, OR THAT ADEQUATE PROVISIONS HAVE BEEN INCORPORATED INTO THE SITE GRADING PLAN SO AS TO NOT ADVERSELY AFFECT THE DRAINAGE OF STORMWATER TO, OR FROM, THE SITE AND ABUTTING OR ADJACENT PROPERTIES.

SIGNED

LICENSED PROFESSIONAL ENGINEER JON P. GREEN 062-052108 STATE OF ILLINOIS

I, JON P. GREEN, HEREBY VERIFY THAT I HAVE MEASURED THE ABOVE PROPERTY AND THAT THE PLAN HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID CONDITIONS.
DATED AT WARRENVILLE, IL
THIS 30TH DAY OF MARCH A.D. 2021

REGISTERED PROFESSIONAL ENGINEER NO. 062-052108

AS-CONSTRUCTED FINAL GRADING PLAN REVISED: MARCH 30, 2021
AS-CONSTRUCTED FINAL GRADING PLAN DATED: JUNE 25, 2020

SHEET 1 OF 2

PROFESSIONAL DESIGN FIRM NUMBER: 184.001186

G:\PROJECTS\Patrick J Murphy Builders Inc\180701.00 85SunsetAvenue\Engl\ortiz\CAD\180701 85 Sunset Avenue Final Grading Plan.dwg Updated by: bleprich 3/30/2021

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March 13, 2021

Village of Glen Ellyn
Zoning Board of Appeals
535 Duane St.
Glen Ellyn, IL 60137

RE: 85 Sunset Ave., Glen Ellyn, IL

To whom it may concern,

This is a brief narrative on how the south side yard walk ended up at its current location.

The walk was intended to go in as planned and per code. Prior to the walk being formed and poured, I happened to be onsite and noticed the tractor was delivered. It was a good size tractor (75" long, 55" wide, without any attachments), and I realized right away that it could not make a zero turn radius out of the side garage, onto the walk as planned. Without even considering the setback (my momentary lapse in judgement), I suggested moving the walk 36" south from the original location and still maintain the planned 6' walk width. This would allow more room for the tractor to make the turn in and out of the garage and we still had 3'-3" to the property line to accommodate the intended swale.

The change was not intended to deviate from code, I was just trying to make the walk more functional since it was not yet installed, and did not realize what I had done until it was pointed out by the Village.

Please let me know if you have any questions or need any additional information.

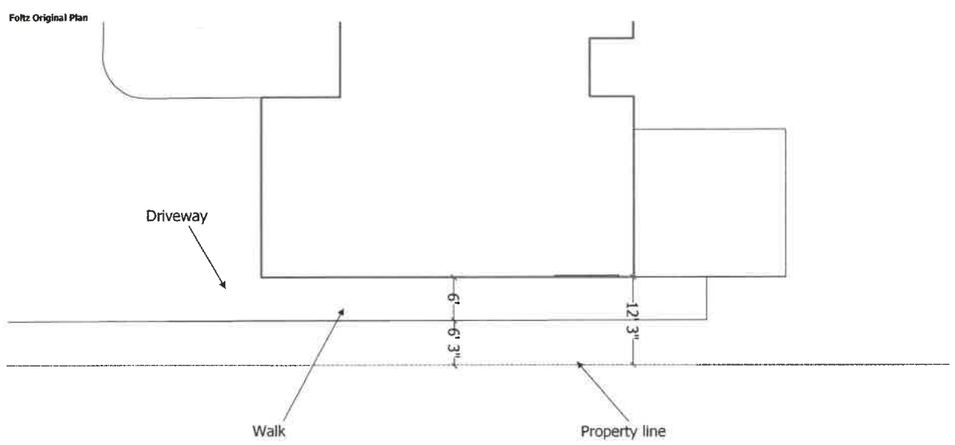
Thank you,

B. P. Cay

Brian P. Casey
President

Foltz Residence

Original Plan



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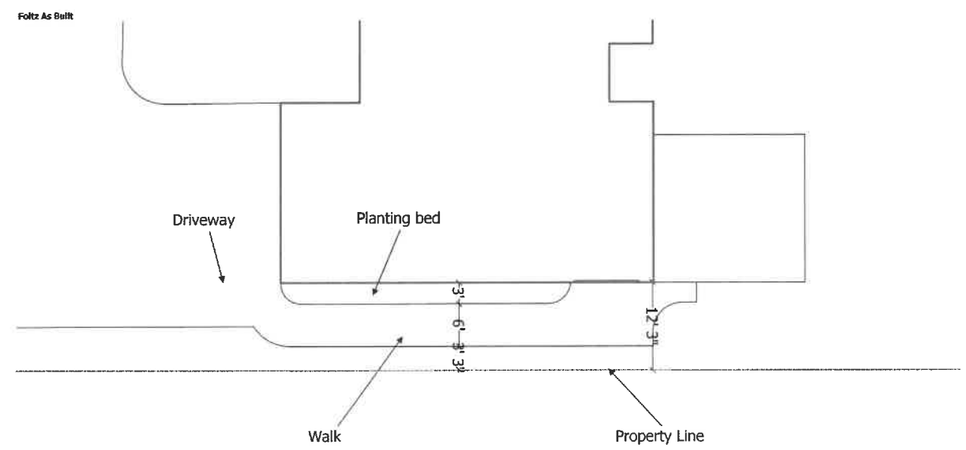
As Built



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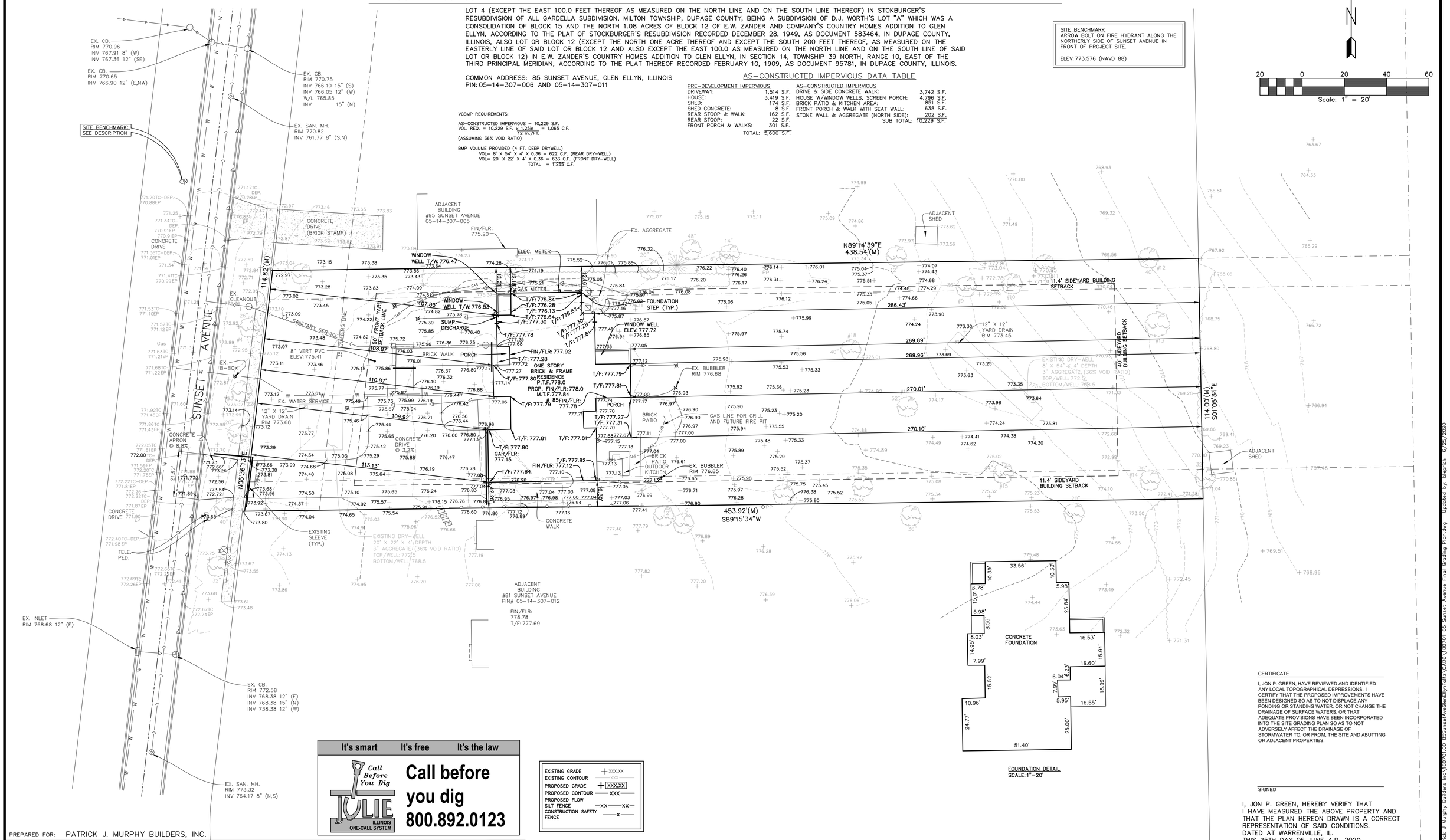

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SIGNED

I, JON P. GREEN, HEREBY VERIFY THAT I HAVE MEASURED THE ABOVE PROPERTY AND THAT THE PLAN HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID CONDITIONS. DATED AT WARRENVILLE, IL. THIS 25TH DAY OF JUNE A.D. 2020

REGISTERED PROFESSIONAL ENGINEER NO. 062-052108

PROFESSIONAL DESIGN FIRM NUMBER: 184.001186

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EXISTING CONTOUR	XXX
PROPOSED GRADE	+XXX.XX
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SILT FENCE	—XX—XX—
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PREPARED FOR: PATRICK J. MURPHY BUILDERS, INC.

DRAWN BY: B.L.
CHECKED BY: J.G.
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AS-CONSTRUCTED FINAL GRADING PLAN DATED: JUNE 25, 2020 SHEET 1 OF 1

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JOHN DEERE
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414
Little Giant Ladder Systems

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DEWALT

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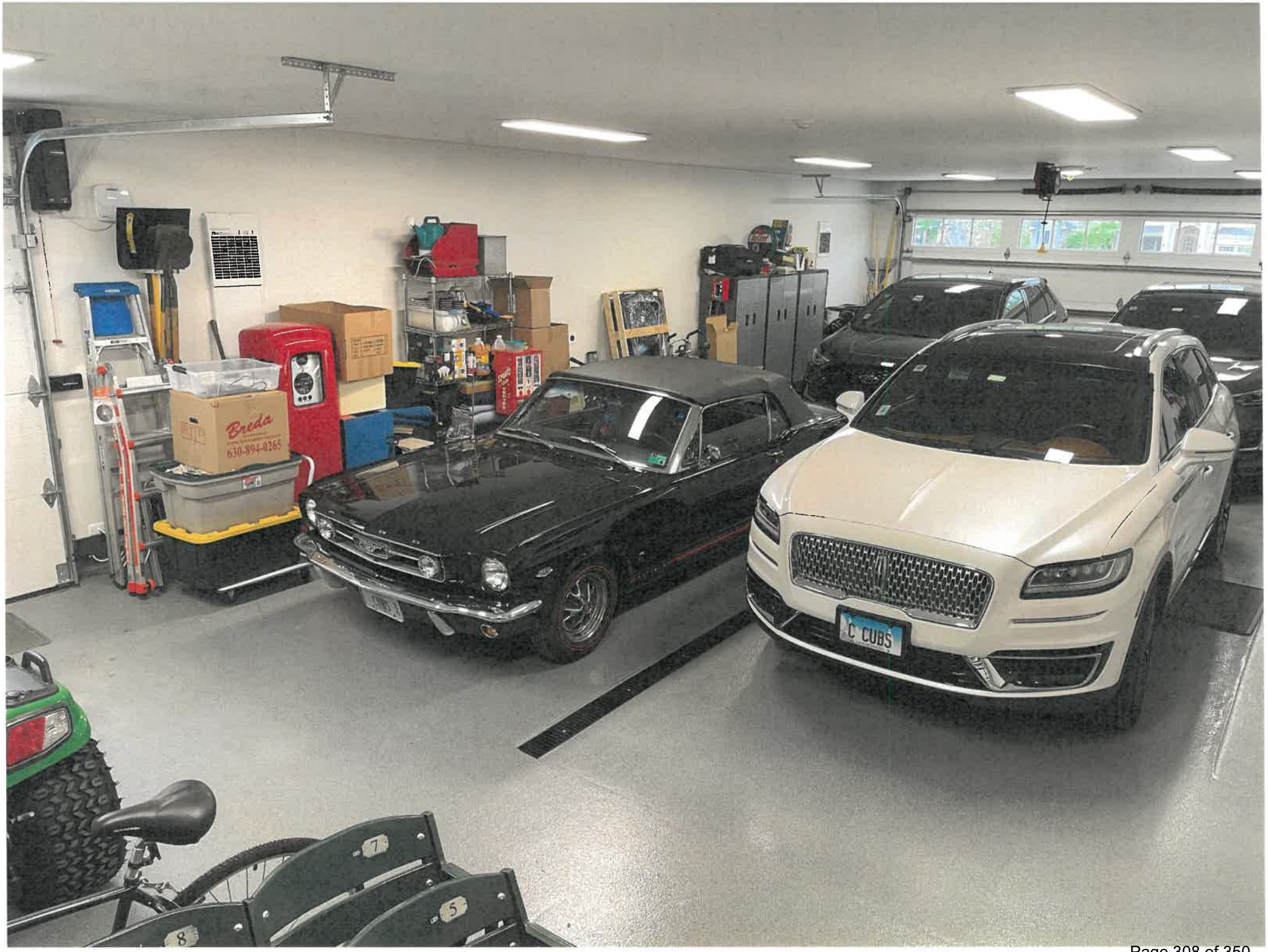
CUBS


Breda
630-894-0265
C CUBS

Areas in Blue: Subject Property

Areas in Green: Neighbors Support

Village of Glen Ellyn
Zoning Board of Appeals
535 Duane St.
Glen Ellyn, IL 60137

Re: Variance for Sidewalk at South Side of 85 Sunset Ave.

To Whom It May Concern:

Please note that we live at the address noted below, which is adjacent to the sidewalk in question at 85 Sunset Ave.

We approve Glen Ellyn granting a variance to permit the sidewalk on the south side of the property to extend over the required setback line.

Signature	Printed Name	Date
	JOHN R. TRIMARCO	3/29/2021
	Arlene E. Trimarco	3/29/21

Address of our property: 81 Sunset Ave Glen Ellyn IL 60137

Village of Glen Ellyn
Zoning Board of Appeals
535 Duane St.
Glen Ellyn, IL 60137

Re: Variance for Sidewalk at South Side of 85 Sunset Ave.

To Whom It May Concern:

Please note that we live at the address noted below, which is just across the street from the sidewalk in question at 85 Sunset Ave.

We approve Glen Ellyn granting a variance to permit the sidewalk on the south side of the property to extend over the required setback line.

Signature	Printed Name	Date
Peter MacEntee	Peter MacEntee	4/5/2021
Rachel MacEntee	Rachel R MacEntee	4/5/21

Address of our property: 90 Sunset Ave, Glen Ellyn IL 60137

Village of Glen Ellyn
Zoning Board of Appeals
535 Duane St.
Glen Ellyn, IL 60137

Re: Variance for Sidewalk at South Side of 85 Sunset Ave.

To Whom It May Concern:

Please note that we live at the address noted below, which is near the sidewalk in question at 85 Sunset Ave.

We approve Glen Ellyn granting a variance to permit the sidewalk on the south side of the property to extend over the required setback line.

Signature	Printed Name	Date
Paul Cornejo	Paul Cornejo	4/5/21
Melissa Cornejo	Melissa Cornejo	4-5-21

Address of our property: 75 Sunset Ave., Glen Ellyn, IL 60137

Village of Glen Ellyn
Zoning Board of Appeals
535 Duane St.
Glen Ellyn, IL 60137

Re: Variance for Sidewalk at South Side of 85 Sunset Ave.

To Whom It May Concern:

Please note that we live at the address noted below, which is just across the street from the sidewalk in question at 85 Sunset Ave.

We approve Glen Ellyn granting a variance to permit the sidewalk on the south side of the property to extend over the required setback line.

Signature	Printed Name	Date
Paul Ross M.D.	Paul Ross, MD	4.15.21
G Ross	Gilda Ross	4.15.21

Address of our property: 80 Sunset Avenue
(Glen ellyn)

PATRICK J. MURPHY BUILDERS, INC.

June 14, 2021

Mr. and Mrs. Mike Foltz
85 Sunset
Glen Ellyn, IL 60137

RE: Foltz Residence – 85 Sunset, Glen Ellyn - Removal, replacement and restoration of sidewalk/landscaping

Mike and Kim,

The estimate to remove the existing sidewalk on the south side of the garage, replace the sidewalk and restore the landscaping and any necessary follow up is $8,550.00.

Please let me know if you have any questions on the above.

Sincerely,

P. J. Murphy

PJ Murphy

Cc: PJM

1N712 Bob-O-Link Drive Winfield, Illinois 60190
Phone: 630.871.1998 pj@pjmbi.com Fax: 630.871.1996

MEMORANDUM

TO: Kelly Purvis, Planning Manager

FROM: Amy McKenna, Senior Civil Engineer

DATE: July 13, 2021

SUBJECT: Zoning Variation for 85 Sunset
Stormwater Management Review

In its review of the subject variation, I understand that the Zoning Board of Appeals (ZBA) requested stormwater review of the impact of the constructed sidewalk on the overall drainage of the lot.

The sidewalk that was constructed is about the same width as the sidewalk on the approved plan, but it was shifted south away from the side of the garage. There was no increase in impervious area, so no changes to the drywell (infiltration system) on the site are required. The constructed drywell was actually much larger than the volume required by the code for the amount of impervious surface on the lot.

On the approved plan, there is a small swale proposed between the sidewalk and the south property line. The primary purpose of the swale is to direct the runoff from the sidewalk and the side yard along the south garage wall on the 85 Sunset property and toward the front yard and Sunset Avenue.

The area east of the garage drains to the rear yard, and the downspouts for the home drain to the front and back yards and not to the side yard. Therefore, the only runoff in that swale is the runoff resulting from the rain that falls in that side yard along the garage wall (an area of 12.3 feet x 26 feet, or 320 square feet). The small remaining swale constructed south of the sidewalk easily conveys the very small amount of runoff from that area to the front yard.

X:\Plandev\BUILDING\ENGINEERING\Boards and Commissions\ZBA\Memo for 85 Sunset Zoning Variation - 7-13-2021.doc

Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting 7/26/2021 7:00 PM
Department: System Administrator
Department Head:
Category: Ordinance
Prepared By:

AGENDA ITEM (ID # 2021-1302)

DOC ID: 2021-1302

Motion to approve Ordinance No. 6891, An Ordinance Approving a Second Amendment to the Redevelopment Agreement Between the Village of Glen Ellyn and GSP Development, LLC Concerning 400 & 418-424 N. Main Street

Statement of the Issue:

On January 28, 2019, the Village passed Ordinance No. 6671, which approved a Redevelopment Agreement ("Redevelopment Agreement") with GSP to develop the Village owned property commonly known as 418 – 424 N. Main Street and an adjacent property owned by GSP, 400 N. Main Street (the "Giesche Property") for a mixed-use development. The Redevelopment Agreement was subsequently amended by Ordinance No. 6778 on April 13, 2020, to account for certain environmental remediation actions. The Developer was to deliver the Public Parking Area of the development back to the Village by May 1, 2021 and then the Village would close on the property, after the project is complete. As you recall, the Village would own the first-floor parking lot in perpetuity for public parking.

Earlier this year, the Village notified the developer of this potential default and GSP has been working to address any concerns of noncompliance with the RDA. Staff has conceptually agreed that an extension of August 2, 2021, to deliver a portion of the public parking area back to the Village and the remaining portion of the public parking area by January 1, 2022. In addition, the Developer is current with legal fees and has agreed to pay any additional legal costs within 60 days. At the same time, the Developer has incurred certain Development related expenses and wishes to establish a timeline for payment of those expenses. The project continues to progress and a new construction schedule has been followed consistently over the last many months.

In preparation for the partial opening of the Main St. Parking Garage, Police, Fire and Public Works have reviewed the temporary traffic plan for the garage and are comfortable opening up a portion of the lot to the public on August 2, 2021. In addition, the Village Board has requested a review of the current traffic plan in place on Main St. Staff meet last week and discuss both of these matters to address any and all concerns. The management team does not have any recommended changes to the current traffic plan and is satisfied with the designed traffic route for the Main St. Parking Garage.

Analysis:
The Village Board is being asked to consider approving the 2nd Amendment to the Redevelopment Agreement (RDA), which includes a License Agreement that allows the Village to utilize the portion of the public parking as of August 2, 2021. The rest of the public parking lot (entire first floor) will be turned over to the Village by January 1, 2022, and then the parties will close on the property once the development project is complete. The reasons for delay are multiple, including environmental issues, not being able to acquire the alley to the north, and issues with the adjacent property owners, but the project appears to be on schedule (See new construction schedule, Exhibit 3, in the RDA).

Furthermore, the Village has been made whole with respect to outstanding legal fees associated with the ongoing lawsuit which appears to be nearing completion. GSP has agreed to pay any future legal costs within 60 days, so this issue appears to be fully resolved.

However, there are some outstanding costs that the Developer has requested to be reimbursed related to the project. First, the Developer and Village partnered on performing some environmental remediation on the property that used to be the site of a gas station. The Developer agreed to remove bad soils from the subject property through the 1st Amendment to the RDA.

However, during the process, the Village requested removal of bad soils on the Main St. ROW, so the Developer is seeking reimbursement for those costs. This would be a TIF eligible expense.

In addition, to allow a portion of the garage to reopen while construction continues, GSP has requested assistance in paying for the scaffolding and temporary lighting. At the time of the RDA, staff and GSP did not get into specifics on how the garage would open up during construction, so sharing these costs seems reasonable.

Lastly, GSP believes they should be reimbursed for removal of a stormwater detention basin located on the Glenwood portion of the public parking lot. There is a dispute between what was on the plans, so splitting these costs is the resolution included in this amendment. These reimbursements, if approved by the Village Board, would be TIF eligible expenses.

The amendment also includes a License Agreement that sets forth certain conditions to allow the Village to utilize this private property on a temporary basis for public parking (the Village has a similar arrangement in the McChesney Parking Lot). Some of the key terms in this agreement include liability provisions, restricting overnight parking, signage and accessibility.

To summarize, staff believes it is in the best interest of the Village and public to ensure that the Developer be given adequate time to construct code compliant, safe and adequate parking, for the benefit of businesses and customers in the downtown area of Glen Ellyn, and to make this

parking available as soon as possible. Staff has discussed this with the businesses on Main St. and they welcome the additional parking.

Budget Impact:
N/A

Action Requested:
Staff is requesting the Village Board review and approve the 2nd Amendment to the RDA including the License Agreement.

Attachments:

1. Ordinance - Second Amendment to RDA
2. Second Amendment to Redevelopment Agreement
3. Apex 400 - FAQ

Village of Glen Ellyn

Ordinance No.

An Ordinance Approving a Second Amendment to the Redevelopment Agreement Between the Village of Glen Ellyn and GSP Development, LLC Concerning 400 & 418- 424 N. Main Street

---

Adopted by the
President and the Board of
Trustees of the Village of Glen
Ellyn DuPage County, Illinois
This_____Day of_____, 20__.

Published in pamphlet form by the authority of the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, this_day of_____, 20____.

PREPARED BY AND MAIL TO:
VILLAGE OF GLEN ELLYN
ATTN: VILLAGE CLERK
535 DUANE STREET
GLEN ELLYN, IL
60137

Ordinance No. _____

An Ordinance Approving a Second Amendment to the Redevelopment Agreement Between the Village of Glen Ellyn and GSP Development, LLC Concerning 400 & 418- 424 N. Main Street

Whereas, the Village of Glen Ellyn ("Village") is an Illinois municipal corporation with a population of more than 25,000 people, and is therefore a home rule unit of local government pursuant to the State of Illinois Constitution of 1970 ("Constitution") and the Illinois Municipal Code (65 ILCS 5/1-1-1, *et seq.*) ("Code"); and

Whereas, GSP Development, LLC ("GSP") is an Illinois limited liability company with offices located at 55 E. Monroe Street, Suite 3950, Chicago, Illinois; and

Whereas, the Constitution (Art. VII, Sec. 6(a)) provides that a home rule municipality may exercise any power and perform any function pertaining to its government affairs, including, without limitation, the power to enter into contracts, including redevelopment agreements, for the benefit of the public health and welfare, including the power amend timelines negotiated in existing agreements; and

Whereas, the Constitution (Art. VII, Sec. 10; Art VIII) authorizes the Village to enter agreements with individuals and use public funds for public purposes; and

Whereas, the Code (65 ILCS 5/8-1-2.5) authorizes the Village to appropriate and expend funds for economic development purposes, including, without limitation, making grants necessary to promote economic development in the Village; and

Whereas, the Code (65 5/11-74.4-1) authorizes the Village to finance redevelopment projects in accordance with and pursuant to the Tax Increment Allocation Redevelopment Act; and

Whereas, the Tax Increment Allocation Redevelopment Act (65 ILCS 5/11-74.4-4(b), (c)) authorizes the Village to make and enter into all contracts necessary or incidental to implement and further the Village's

redevelopment plans and projects for the Glen Ellyn Central Business District Tax Increment Redevelopment Project Area; and

Whereas, on January 28, 2019, the Village passed Ordinance No. 6671 approving a Redevelopment Agreement ("Redevelopment Agreement") with GSP to develop a Village owned-property commonly known as 418 – 424 N. Main Street ("Village Property") and an adjacent property owned by GSP, 400 N. Main Street (the "Giesche Property") (collectively, the Giesche Property and the Village Property are the "Subject Property"), with a mixed use development, subsequently amended by Ordinance 6778 on April 13, 2020, to account for certain environmental conditions; and

Whereas, environmental and topographic conditions exist on parts of the Subject Property, including portions of the Public Parking Area that the Village will hold title to upon the Development's Substantial Completion, and the Developer was to deliver the Public Parking Area of the development back to the Village by May 1, 2021, as set forth in in the Redevelopment Agreement, as amended; and

Whereas, GSP and the Village agree that an extension to August 2, 2021, to deliver a portion of the Public Parking Area, which shall include approximately 60 customer parking stalls, back to the Village for public use is reasonable; and

Whereas, the Village Board has determined that is in the best interest of the Village and public to ensure that the Developer be given adequate time to construct code compliant, safe and adequate parking, for the benefit of businesses and customers in the downtown area of Glen Ellyn, and to extend the time for delivery of a portion of the Public Parking Area back to the Village until August 2, 2021, in accordance with the terms of the Second Amendment to Redevelopment Agreement, a copy of which is attached hereto as Exhibit A;

Whereas, the Village President and Trustees have exercised their legislative judgment and

determined that the Second Amendment to Redevelopment Agreement is consistent with the goals and objectives contained in the Village's TIF Ordinances, the Glen Ellyn Municipal Code, and the 2009 Downtown Strategic Plan, and the 2013 Downtown Streetscape & Parking Study; that the Second Amendment to Redevelopment Agreement serves a valid public purpose; and that approving the Second Amendment to Redevelopment Agreement will promote the public health, safety, and welfare.

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

Section One: Recitals. The foregoing recitals are incorporated as though fully set forth herein.

Section Two: Second Amendment to Redevelopment Agreement Approved. The Village's Corporate Authorities approve the Second Amendment to Redevelopment Agreement attached as Exhibit A ("Second Amendment"), and the President and Village Clerk are authorized and directed to execute the Second Amendment on the Village's behalf.

Section Three: Recording and Authority. The Village Clerk is authorized and directed to record this Ordinance and the Second Amendment against the Subject Property with the DuPage County Recorder, and the Village Manager is: a) authorized and directed to take all steps necessary to implement the Second Amendment's terms; and b) authorized to make minor, non-substantive revisions to the Second Amendment.

Section Four: Superseder. In the event a conflict exists between the terms of this Ordinance and any other ordinance or resolution of the Village, the terms of this Ordinance shall govern.

Section Five: Severability. If any part, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the remaining sections, subsections, and clauses shall not be affected thereby.

Section Six: Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form, in accordance with law.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____ , 20_____.

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of , 20_____.

_____
Village President

Attest:

_____
Village Clerk

AFFIX VILLAGE SEAL

(Published in pamphlet form and posted on the _____ day of _____.)

RETURN AFTER RECORDING:

Village Clerk
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, IL 60137

THIS DOCUMENT PREPARED BY:

Gregory W. Jones, Esq.
Ancel Glink, P.C.
140 S. Dearborn Street
Sixth Floor
Chicago, IL 60603

Above Space for Recorder's Use Only

SECOND AMENDMENT TO REDEVELOPMENT AGREEMENT

BETWEEN

VILLAGE OF GLEN ELLYN

AND

APEX 400 LLC

(APEX 400 – 400, 410, 418, AND 424 N. MAIN STREET)

SECOND AMENDMENT TO REDEVELOPMENT AGREEMENT

THIS SECOND AMENDMENT TO REDEVELOPMENT AGREEMENT ("***Second Amendment***") is dated as of July___, 2021 ("***Second Amendment Effective Date***") by and between the **VILLAGE OF GLEN ELLYN**, an Illinois municipal corporation and home rule unit of local government with offices located at 535 Duane Street, Glen Ellyn, Illinois ("***Village***"), and **APEX 400 LLC**, a Delaware limited liability company with offices located at 1111 E. Touhy Avenue, #230, Des Plaines, Illinois ("***Developer***") (collectively, Developer and Village are the "***Parties***").

RECITALS

A. On January 28, 2019, the Village passed Ordinance No. 6671 approving a Redevelopment Agreement between the Village and the GSP Development LLC ("***Agreement***") relating to the property commonly known as 400, 410, 418 and 424 Main Street in Glen Ellyn, Illinois ("***Subject Property***"), which is more specifically described in the Agreement.

B. On April 13, 2020, the Village passed ordinance No. 6778 approving the First Amendment to the Agreement ("***First Amendment***") to account for certain environmental conditions located on the Subject Property.

C. Developer is GSP Development LLC's successor in interest to the Agreement.

D. Developer is currently constructing a mixed-use development on the Subject Property, including at least 136 public parking spaces located on the Building's ground floor, as depicted on the Final Development Plans ("***Public Parking Area***").

E. The Agreement requires the Developer to meet certain performance deadlines, including delivering to the Village the Public Parking Area in a condition sufficient to receive a temporary certificate of occupancy by no later than May 1, 2021.

F. The Developer's construction schedule has been delayed, and additional time is required to complete the Development and deliver the Public Parking Area for use by the Village as required by Agreement Section 5(K)(2).

G. Further, the Parties have incurred certain Development-related expenses as of the Second Amendment Effective Date and wish to establish a timeline for payment of those expenses.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency are hereby acknowledged, the Parties agree as follows:

1. Recitals Incorporated. The foregoing recitals and all exhibits attached to this Second Amendment are incorporated as though fully set forth in this Section 1.

2. Capitalized Terms; Conflict. Any capitalized term used herein, but not defined herein, shall have the meaning given to such term in the Agreement. In the event of any conflict between the terms and conditions hereof and those set forth in the Agreement or the First Amendment, the terms and conditions of this Second Amendment shall control.

3. Agreement Section 5 Amended. Section 5(K)(2) of the Agreement is amended to provide the Developer until August 2, 2021 to deliver to the Village in a condition sufficient to receive a temporary certificate of occupancy in accordance with the Village Code at least 60 parking spaces in the Public Parking Area in the area depicted on Exhibit 1. The Developer shall deliver to the Village the balance of the Public Parking Area in a condition sufficient to receive a temporary certificate of occupancy in accordance with the Village Code by no later than January 1, 2022. The Village's use of the Public parking Area shall comply with the Temporary License for Public Parking Agreement attached hereto as Exhibit 2.

4. Construction Schedule Amended. Agreement Exhibit I ("***Construction Schedule***") is removed and replaced with Exhibit 3 to this Second Amendment.

5. Expense Reimbursement.

A. As of July 15 2021, the Village has incurred $114,938.76 ("***Outstanding Costs***") in costs, fees, and expenses that the Developer is obligated to reimburse pursuant to and in accordance with RDA Section 11.D. By no later than July 26, 2021, the Developer shall deliver to the Village a check payable to the Village in the full amount of the Outstanding Costs. Any and all future reasonable legal fees must be paid within 60 days of the date of the invoice.

B. As detailed below, the Developer has incurred costs associated with (i) remediation of contaminated soils in the Main Street right of way, (ii) stormwater detention, and (iii) pedestrian safety related to delivery of the Public Parking Area. The Developer is requesting reimbursement totaling $66,920.00 for the following:

i. The Village has agreed to reimburse the Developer $37,150.00 to pay for (a) part of the cost of installing exterior scaffolding to protect individuals using the Public Parking Area in an amount equaling $33,335.00, and (b) Public Parking Area sprinkler installation costs in an amount equaling $3,815.00 (collectively, the "***Village Parking Reimbursement***"). The Village will deliver a check to the Developer in the amount of the Village Parking Reimbursement within 30 days of receiving from the Developer an invoice and documentation demonstrating, in the Village Manager's sole discretion, that the costs were incurred and the improvements were constructed in accordance with the Requirements of Law.

ii. The Developer has incurred expenses remediating contaminated soil that was discovered in the Main Street public right of way in the amount of $16,748 ("***Additional Remediation Costs***"). By no later than September 1, 2021, the Village will deliver a check to the Developer in the amount of the Additional Remediation Costs.

iii. The Developer has incurred costs to remove an underground detention system located below the Public Parking Area in the amount of $26,044 ("***Detention Removal Costs***"). By no later than September 1, 2021, the Village will deliver a

check to the Developer in the amount of $13,022, such amount representing fifty (50%) percent of the Detention Removal Costs.

6. Authority to Execute. The Village hereby warrants and represents to the Developer that the Persons executing this Second Amendment on its behalf have been properly authorized to do so by the Corporate Authorities. The Developer hereby warrants and represents to the Village that it has the full and complete right, power, and authority to enter into this Second Amendment and to agree to the terms, provisions, and conditions set forth in this Second Amendment and to bind the Subject Property as set forth in this Second Amendment, that all legal actions needed to authorize the execution, delivery, and performance of this Second Amendment have been taken, and that neither the execution of this Second Amendment nor the performance of the obligations assumed by the Developer will (a) result in a breach or default under any agreement to which the Developer is a party or to which it or the Subject Property is bound or (b) violate any statute, law, restriction, court order, or agreement to which the Developer or the Subject Property are subject.

7. Miscellaneous. This Second Amendment shall be binding upon and inure to the benefit of the successors and permitted assigns of Village and Developer. The terms and provisions of the Agreement not specifically modified by this Second Amendment shall remain in full force and effect and shall not be construed to have been modified, waived, discharged, or otherwise altered by this Second Amendment. The terms and provisions of the Agreement are incorporated herein by reference as if fully stated herein. This Second Amendment may be executed in several counterparts, each of which shall be deemed to be an original but all of which together shall constitute one and the same instrument. This Second Amendment may be executed via e-mail or facsimile transmission and all PDF (or similar electronic format) or facsimile signatures shall be deemed originals for all purposes. The Village shall record this Second Amendment against the Subject Property in the office of the DuPage County Recorder.

[Signature page follows]

IN WITNESS WHEREOF, the Parties hereto have caused this instrument to be executed on the date first above written.

APEX 400 LLC, a Delaware limited liability company

By:_____
Its:_____

ATTEST:

VILLAGE OF GLEN ELLYN, an Illinois municipal corporation

_____
Caren Cosby, Village Clerk

_____
Mark Senak , Village President

ACKNOWLEDGEMENT

STATE OF ILLINOIS)
) SS.
COUNTY OF DUPAGE)

This instrument was acknowledged before me on July ____, 2021, by **MARK SENAK**, the President of the **VILLAGE OF GLEN ELLYN**, an Illinois municipal corporation, and by **CAREN COSBY**, the Village Clerk of said municipal corporation.

_____
Signature of Notary

SEAL

My Commission expires:

_____

STATE OF ILLINOIS)
) SS.
COUNTY OF_____)

The foregoing instrument was acknowledged before me on July ____, 2021, by Lawrence Debb the manager of **APEX 400 LLC**, a Delaware limited liability company, as his free and voluntary act in his capacities as manager of said company for the uses and purposes herein.

_____
Signature of Notary

SEAL

My Commission expires:

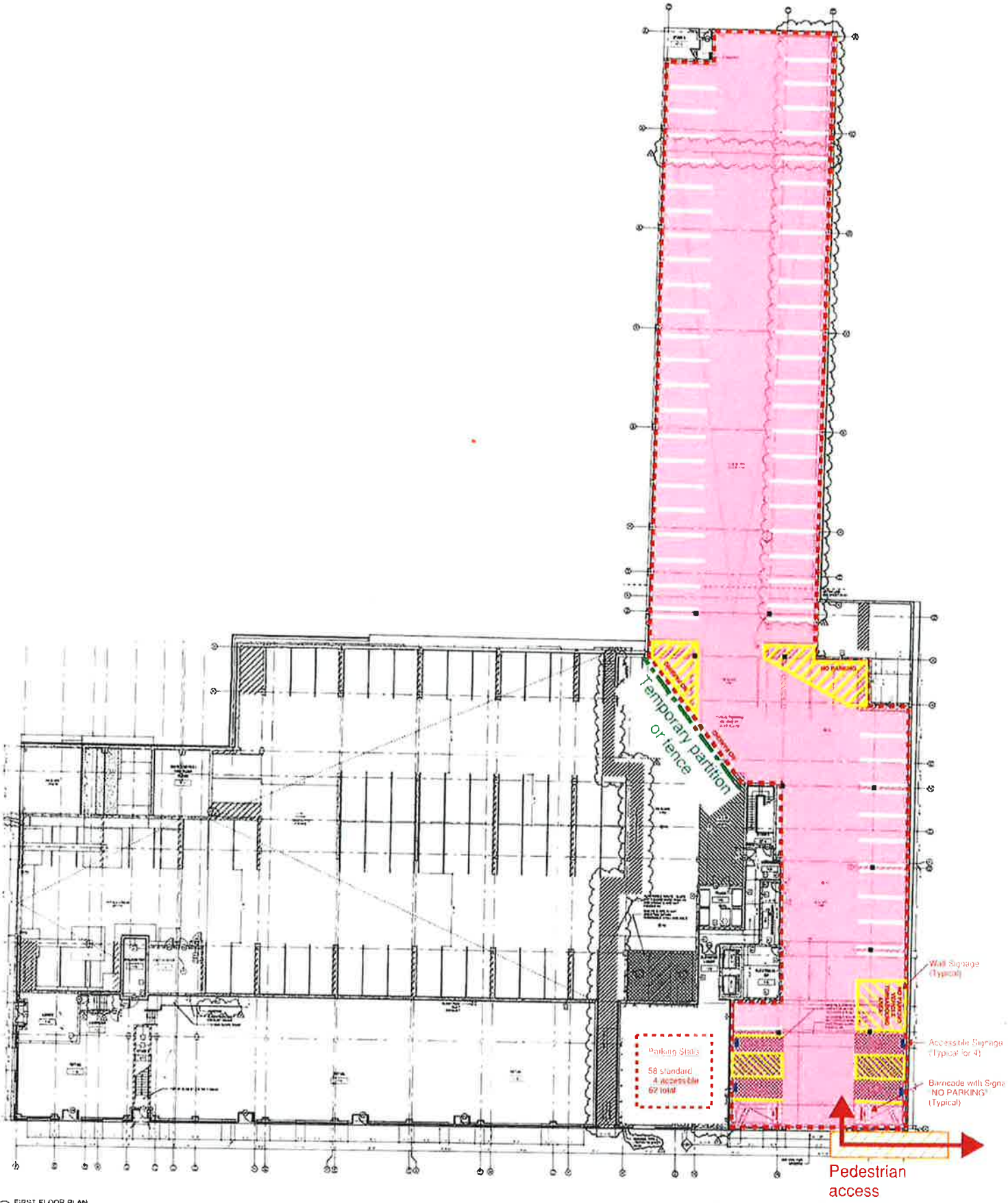
_____

Exhibit 1

Plan depicting Public Parking Area available on August 1, 2021

[Attached]

"EXHIBIT 1"



A1 FIRST FLOOR PLAN

Pavement Striping Schematic
071621

Exhibit 2

License Agreement for Public Parking Area

[Attached]

Exhibit 2

LICENSE AGREEMENT FOR PUBLIC PARKING AREA

THIS LICENSE AGREEMENT FOR PUBLIC PARKING AREA (the "***Agreement***") is dated as of _____, 2021, (the "***Effective Date***") and is by and between the **VILLAGE OF GLEN ELLYN** , an Illinois municipal corporation and home rule unit government (the "***Village***") and **APEX 400 LLC**, a Delaware limited liability company (the "***Owner***").

RECITALS:

A. The Owner is the legal owner of record of certain real property commonly known as 400, 410, 418 and 424 Main Street, Glen Ellyn, Illinois, which real property is legally described in ***Exhibit A*** attached hereto (the "***Property***").

B. The Owner is currently constructing a mixed-use development (***"Building")*** on the Property, including at least 136 public parking spaces located on the Building's ground floor Property ("***Public Parking Area***"), in accordance with the Redevelopment Agreement approved by the Village on January 28, 2019, as amended between the Owner and the Village ("***RDA")***.

C. The RDA requires the Owner to deliver to the Village (1) that portion of the Public Parking Area depicted on ***Exhibit B*** by no later than August 2, 2021; and (2) the balance of the Public Parking Area by no later than January 1, 2022.

D. The Village desires to use the Public Parking Area in accordance with the RDA beginning on August 2, 2021 and continuing through the date the Village acquires title to and ownership of the Public Parking Area in accordance with the RDA's terms.

NOW, THEREFORE, in consideration of the sum of $10.00 and the mutual covenants and agreements set forth herein, and other good and valuable consideration paid by the Village to the Owner the receipt and sufficiency of which are hereby acknowledged by the Owner, the Village and the Owner agree as follows:

Section 1: Recitals. The foregoing recitals and all exhibits attached to this Agreement are incorporated into this Section 1.

Section 2: Grant of License for Public Parking Area. The Owner hereby grants, to the Village and, subject to such rules the Village may establish from time-to-time, the general public, a license ("***License")*** to use a portion of the Public Parking Area and adjacent driveways and pedestrian ways in the approximate locations as set forth on ***Exhibit C*** ("***Licensed Premises***") for purposes authorized by the RDA, including, without limitation, parking passenger automobiles, ("***Permitted Use***"), subject to the terms and conditions herein set forth, including those found in Section 3, upon, over, through, along, and across the Licensed Premises, together with all reasonable rights of access, ingress, and egress over, along, upon, and across the Licensed Premises necessary for the exercise of the rights herein granted. For the time period beginning on the Effective Date and ending on December 31, 2021, the Licensed Premises shall be that portion of the Public Parking Area depicted in ***Exhibit B***. For the time period beginning on January 1, 2022 and ending upon the date the Village acquires title to and ownership of the Public Parking Area in accordance with the RDA's terms shall be that portion of the Public Parking Area depicted in ***Exhibit C***.

Section 3: **Conditions.**

A. No Overnight Parking. Pedestrian vehicles shall not be parked on the Licensed Premises between the hours of ___ p.m. and ___ a.m. daily, absent the Owner's prior written approval.

B. Pedestrian Safety. During this Agreement's term, the Owner shall maintain continuous pedestrian ingress and egress between the Licensed Premises and sidewalks located on adjacent rights of way in accordance with the traffic control plan approved by the Village Manager.

Section 4: **Term.** The term of this Agreement shall commence upon the Effective Date and shall expire on date that the Village acquires title to and ownership of the Public Parking Area in accordance with the RDA (the "***Term***").

Section 5: **Signage on Parking Lot.** During the Term, the Village shall have the right, at its sole cost and expense to install such location, use, and/or and directional signage ("**Signage**") on Licensed Premises. Owner consents to the Village Police Department enforcing traffic and parking regulations on the Licensed Premises.

Section 6: **Expenses.** During the Term of this License, the Village shall be solely responsible for the cleaning, maintenance, and repair of the Licensed Premises arising from the Permitted Use by the Village and the general public, but expressly excluding cleaning, maintenance, and repair of the Building, including, without limitation, the structural supports, columns and walls, all of which shall be cleaned, maintained and repaired by the Owner. The Village shall also be solely responsible for all utility charges arising from the Permitted Use of the Licensed Premises by the Village and the general public, including, without limitation, separately metered electricity for lighting the Parking Lot. The Owner shall be solely responsible for cleaning, maintenance, and repair of the Licensed Premises arising as a direct result from the Owner's construction of the Building on the Property.

Section 7: **Waiver, Indemnification and Hold Harmless.**

A. The Village waives any claims for any injuries or damages to persons or property, directly or indirectly, arising from or relating to the Permitted Use of the Licensed Premises, except to the extent caused by the intentional, willful, or negligent actions or failure(s) to act of the Owner, or its members, managers, officers, employees, contractors, subcontractors, or agents (collectively "***Owner Parties***"). The Owner Parties waive any claims for injuries or damages to persons or property, directly or indirectly, arising from or related to the Permitted Use of the Licensed Premises, except to the extent caused by the intentional, willful, or negligent actions or failure(s) to act of the Village, or its elected and appointed officials, employees, contractors, and agents (collectively, the "***Village Parties***").

B. The Village hereby indemnifies, defends and holds the Owner Parties free and harmless from any and all claims, actions, demands, liability, damages, loss, cost or expenses, which is found to violate the applicable standard of care set forth in the Illinois Local Governmental and Governmental Employees Tort Immunity Act, including but not limited to reasonable attorneys' fees and litigation expenses, arising from or as a result of the Permitted Use of the Licensed Premises or caused by any act or omission by the Village or any of the Village's employees, independent contractors or agents concerning the Licensed Premises,

provided however nothing herein contained shall be deemed to require the Village to indemnify, defend, or hold harmless any of the Owner Parties for liabilities to the extent caused by the intentional, willful, or negligent actions or failure(s) to act of the Owner Parties. The Owner hereby agrees to indemnify, defend, and hold harmless the Village Parties from any and all claims, actions, demands, liability, damages, loss, cost or expenses, including, but not limited to, reasonable attorneys' fees and litigation expenses, arising from or as a result of the construction, maintenance, and operation of the Building and the Property, or caused by any act or omission by the Owner Parties, provided, however, nothing herein shall be deemed to require the Owner to indemnify, defend, or hold harmless the Village Parties for liabilities to the extent caused by the intentional, willful, or negligent actions or failure(s) to act of the Village Parties. The foregoing provisions of this Section 7 shall survive the expiration or termination of this Agreement insofar as they relate to any claim, which occurred during the Term of this License.

Section 8: **Insurance.** The Village shall obtain and maintain during the Term the following insurance coverages for the Permitted Use of the Licensed Premises:

A. Automobile Liability Insurance in amounts not less than $2,000,000 Combined Single Limit. The Owner and the Owner Parties are to be covered as additional insureds. The insurer shall agree to waive all rights of subrogation against the Owner, and the Owner Parties.

B. Commercial general liability insurance, with limits of liability not less than $2,000,000 per occurrence. The Owner and the Owner Parties are to be covered as additional insureds.

C. Excess or umbrella liability insurance with limits of liability of not less than $5,000,000 per occurrence and $5,000,000 in the aggregate in excess of underlying commercial general liability, automobile liability, and garage keeper's legal liability coverage. The Owner and the Owner Parties are to be covered as additional insureds. The insurer shall agree to waive all rights of subrogation against the Owner and Owner Parties.

All insurance required by this Subsection may be obtained through the Village's risk-management pool. The Village will at all times comply with all requirements of the risk management pool issuing said policies. The minimum limits of insurance specified in this Article will in no way limit or diminish Village's liability under this License Agreement. On the Effective Date, the Village shall provide Owner a certificate of insurance evidencing that the insurance required above has been obtained, which certificate shall reflect that Owner has been named as an additional insured, and thereafter shall provide updated certificates of insurance in the event of any changes to said insurance.

Section 9: **No Interference.** The Village will allow the Licensed Premises to be used for the Permitted Use in a manner that does not materially interfere the Owner's development of the Property in accordance with the RDA, as set forth in this Agreement's terms. The Owner's development, use, and occupancy of the Property will not materially interfere with the Village's rights under this Agreement, including, without limitation, the Permitted Use of the Licensed Premises.

Section 10: **Notices.** All notices and other communications in connection with this Agreement must be in writing and will be deemed delivered to the addressee (a) when delivered in person, (b) on the third business day after being deposited in any main or branch United States post office, for delivery by properly addressed, postage prepaid, certified or registered mail, return receipt requested, at the address listed below, (c) when delivered to the address

listed below by any courier service, or (d) on the date of transmission, if transmitted by electronic internet mail and followed by delivery of notice in the manner set forth in (a) (b) or (c) above.

To the Owner:

Lawrence Debb-Manager
Apex 400 LLC
111 E. Touhy Suite 230
Des Plaines, IL 60018
ldebb@gspdevelopment.com

To the Village:

Village Manager
Village of Glen Ellyn
535 Duane St.
Glen Ellyn, IL 60137
mfranz@glenellyn.org

Section 11: Amendments. This License may only be modified, amended, or terminated by the written agreement of the Owner and the Village. Any signature transmitted by facsimile or electronic mail shall be binding as if an original.

Section 12: Non-Waiver. Failure of either party to this Agreement to insist upon the strict and prompt performance of the license, rights, restrictions, agreements and covenants contained in this Agreement shall not constitute or be construed as a waiver or relinquishment of either party's right thereafter to enforce any such license, rights, restrictions, agreements or covenants, and the same shall continue in full force and effect.

Section 13: No Third-Party Beneficiaries. No claim as a third-party beneficiary under this Agreement by any person or entity shall be made, or be valid, against the Village or the Owner.

Section 14: Interpretation. This Agreement shall be construed without regard to the identity of the party who drafted the various provisions of this Agreement. Moreover, each and every provision of this Agreement shall be construed as though all parties to this Agreement participated equally in the drafting of this Agreement. As a result of the foregoing, any rule or construction that a document is to be construed against the drafting party shall not be applicable to this Agreement.

Section 15: Changed Conditions. The taking of possession of the Licensed Premises by the Village shall constitute acceptance of the Licensed Premises in the condition required by the RDA. Any changes to the condition of the Licensed Premises resulting from the Permitted Use, including but not limited to re-striping of parking spaces, shall not be the responsibility of the Owner.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have executed or have caused this instrument to be executed by their proper officers duly authorized to execute same.

VILLAGE OF GLEN ELLYN

By:_____
Mark Franz, Village Manager

APEX 400 LLC

By:_____
Lawrence Debb-Manager

ATTEST:

_____
Carol Cosby, Village Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF)

I, _____, a Notary Public in and for Cook County, in the State of Illinois, do hereby certify that Mark Senak, personally known to me to be the Village President of the Village of Glen Ellyn ("Village"), and Carol Cosby, personally known to me to be the Clerk of said Village, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day and acknowledged that as the _____ and Clerk of the Village, they signed and delivered said instrument as their free and voluntary act and as the free and voluntary act of the Village, for the uses and purposes therein set forth.

Given under my hand and official seal this ____ day of _____ 2021.

_____
Notary Public

My commission expires: _____

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF _____)

I, _____, a Notary Public in and for said State and County do hereby certify that Lawrence Debb, manager as aforesaid personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day and acknowledged that he signed and delivered said instrument as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal this ____ day of _____ 2021.

_____
Notary Public

My commission expires: _____

(SEAL)

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

[Attached]

Exhibit A

LEGAL DESCRIPTION
400 N. MAIN STREET

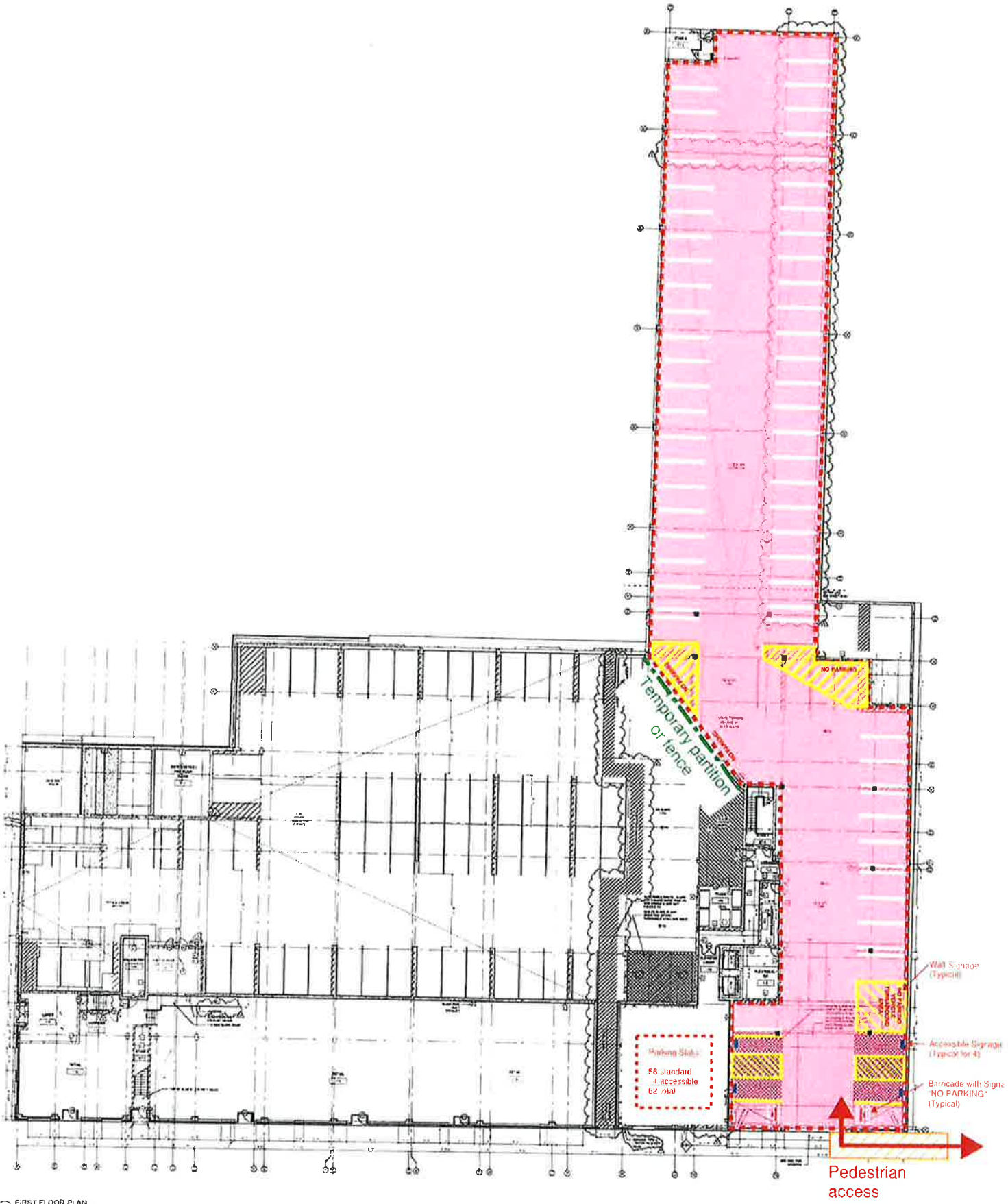
LOT 2 AND LOT 3 (EXCEPT THE WEST 40.00 FEET THEREOF) IN BLOCK 13 IN COUNTY CLERK'S FIFTH ASSESSMENT DIVISION IN THE SOUTHWEST 1/4 SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 5, 1906 AS DOCUMENT 88055, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-11-327-023

EXHIBIT B

DEPICTION OF LICENSED PREMISES AVAILABLE AUGUST 2, 2021

[Attached]



A1 FIRST FLOOR PLAN

Pavement Striping Schematic
071621

EXHIBIT C

DEPICTION OF LICENSED PREMISES AVAILABLE JANUARY 1, 2022

[Attached]

(Late Exhibit)

LEGEND

PLAN NOTES

ACCESSIBLE PARKING

= Phase 1 Temp Parking Garage Service

= Phase 2 Temp Parking Garage Service

Access to Entrance on Hillside TBD

Pedestrian Access Only

A1 FIRST FLOOR PLAN

FitzGerald

18024

APEX 400

400 Main Street

CLIENT
Debb Kosich
Management
1111 East Touhy, Suite 230
Des Plaines, IL 60018

FIRST FLOOR PLAN

A1-01

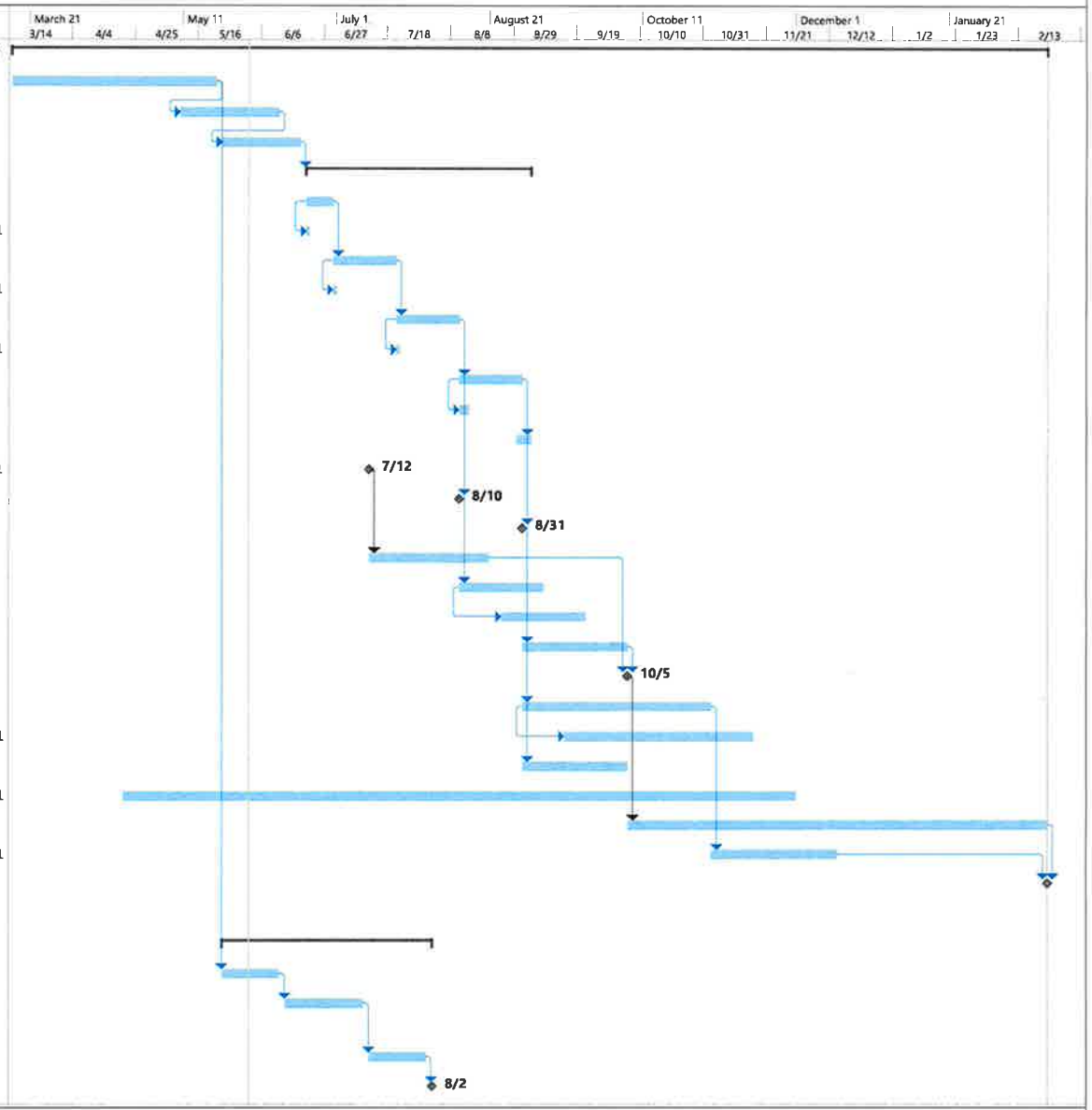
Exhibit 3

Construction Schedule

[Attached]

APEX 400 SCHEDULE - 6/2/2021

ID	Task Mode	Task Name	Duration	Start	Finish
1		**CONSTRUCTION**	**247 days**	**Mon 3/15/21**	**Tue 2/22/22**
2		Precast Erection/Crane Mobilization	10 wks	Mon 3/15/21	Fri 5/21/21
3		Miscellaneous Steel at Precast Podium	5 wks	Mon 5/10/21	Fri 6/11/21
4		Pour Topping at Precast	4 wks	Mon 5/24/21	Fri 6/18/21
5		**Metal Panel Walls and Trusses**	**55 days**	**Mon 6/21/21**	**Fri 9/3/21**
6		Level 2 with Deck	7 days	Mon 6/21/21	Tue 6/29/21
7		Level 2 Steel	1 day	Mon 6/21/21	Mon 6/21/21
8		Level 3 with Deck	15 days	Wed 6/30/21	Tue 7/20/21
9		Level 3 Steel	1 day	Wed 6/30/21	Wed 6/30/21
10		Level 4 with Deck	15 days	Wed 7/21/21	Tue 8/10/21
11		Level 4 Steel	1 day	Wed 7/21/21	Wed 7/21/21
12		Level 5 with Roof	15 days	Wed 8/11/21	Tue 8/31/21
13		Level 5 Steel	3 days	Wed 8/11/21	Fri 8/13/21
14		Amenity Building (No Bridge)	5 days	Mon 8/30/21	Fri 9/3/21
15		Deliver Level 2 & 3 Windows	0 days	Mon 7/12/21	Mon 7/12/21
16		Deliver Level 4 Windows	0 days	Tue 8/10/21	Tue 8/10/21
17		Deliver Level 5 Windows	0 days	Tue 8/31/21	Tue 8/31/21
18		Install Windows	6 wks	Mon 7/12/21	Fri 8/20/21
19		Pour Light Weight Topping	4 wks	Wed 8/11/21	Tue 9/7/21
20		Install Exterior Doors	4 wks	Wed 8/25/21	Tue 9/21/21
21		Roofing	5 wks	Wed 9/1/21	Tue 10/5/21
22		Building Water Tight	0 days	Tue 10/5/21	Tue 10/5/21
23		Masonry	9 wks	Wed 9/1/21	Tue 11/2/21
24		Stucco	9 wks	Wed 9/15/21	Tue 11/16/21
25		Hardi Board	5 wks	Wed 9/1/21	Tue 10/5/21
26		M.E.P. FP	8 mons	Wed 4/21/21	Tue 11/30/21
27		Finishes	5 mons	Wed 10/6/21	Tue 2/22/22
28		Site Work	1.5 mons	Tue 11/2/21	Tue 12/14/21
29		Substantially Completed	0 days	Tue 2/22/22	Tue 2/22/22
30					
31		**Village Parking (Phase 1)**	**50 days**	**Mon 5/24/21**	**Mon 8/2/21**
32		Underground Plumbing/Utilities	3 wks	Mon 5/24/21	Fri 6/11/21
33		Overhead Work - Plumbing, Sprinkler Lighting	4 wks	Mon 6/14/21	Fri 7/9/21
34		Prep and Pour Slab	3 wks	Mon 7/12/21	Fri 7/30/21
35		Village of Glen Ellyn Use Phase 1 Parking	0 days	Mon 8/2/21	Mon 8/2/21



Task | Split | Milestone | Summary | Project Summary | Inactive Task | Inactive Milestone | Inactive Summary | Manual Task | Duration-only | Manual Summary Rollup | Manual Summary | Start-only | Finish-only | External Tasks | External Milestone | Deadline | Progress | Manual Progress

Apex 400 – Frequently Asked Questions

Background

Question: Where is the Apex 400 project located?
Answer: The proposed project is located at the northwest corner of Main Street and Hillside Avenue and would encompass the former Giesche Shoe site and the Village owned parking lot at 418 - 424 N. Main Street, along with the portion of the lot that extends to Glenwood Avenue.

Question: What do the long range Village plans show as an appropriate use of this site?
Answer: The Main Street parking lot is one of the key opportunity sites identified in the 2001 Comprehensive Plan and the 2009 Downtown Strategic Plan. Both plans recommend mixed use commercial and residential development of the Main Street parking lot portion of the site. While neither of these plans incorporate the Giesche property into their recommendation, the property was not available when the abovementioned long-range plans were drafted.

The market study conducted as part of the 2009 Downtown Strategic Plan recommends that the Village add a minimum of 450 new dwelling units to the downtown to support the existing businesses and increase the vitality of the central business district. The 2013 Streetscape and Parking Study also recommends that the Village partner with a developer to construct a parking garage in the downtown through a public private partnership, rather than constructing a stand-alone garage, to maximize the Village's opportunities and reduce Village construction costs. The study identified the Main Street parking lot as one of three preferred sites to incorporate a parking structure as part of a private development on the south side of the tracks. The proposed project would meet these and a number of other goals outlined in the Village's various long term plans.

Question: How long has this current site been vacant?
Answer: The Giesche Shoe store closed in 2014, leading to a vacant site for the last four years. Since that time, four prospective developments have been proposed for the site. Other than the current proposal, none of the prior projects proceeded past the conceptual stage.

Question: What are the current commercial vacancy percentages in the downtown?
Answer: The total vacancy for downtown street level commercial space in 2018 was 14.92 percent. However, with proposed developments at both the McChesney and Giesche properties, that would bring the vacancy percentage in the downtown to 4.51 percent.

Question: What type of public outreach was conducted surrounding this project?
Answer: In May 2018, the Glen Ellyn Plan Commission conducted a pre-application meeting. This public meeting was open to residents and businesses to attend. Even though pre-application meetings are not required to be noticed to the public, property owners within 350 feet of the site were notified of the meeting. Notifications of the pre-application meeting were also included in the Village's e-newsletter, social media channels, website and downtown electronic sign. The Village also collaborated with the Chamber of Commerce and the Downtown Alliance to share the notice with their members. The meeting offered an opportunity to provide feedback prior to formal submittals to the Village.

Information on the public hearing (originally scheduled for December 6, 2018 and rescheduled for Monday, January 7, 2019) was publicized in a number of avenues including the public notice printed in Daily Herald newspaper, press releases to the media, as well as again through the Village's social media channels, e-newsletter and downtown electronic sign. The Village mailed notice to taxpayers of record within 350 feet of the property and placed a Public Hearing sign on the property. In addition, the Village worked closely with the Chamber of Commerce and the Downtown Alliance to communicate all meetings and information to the business community.

Residential & Commercial Components of Project

Question: What does the residential component of the project entail?
Answer: This is a transit oriented development which includes 107 luxury apartment units on the second through fifth floors. Transit oriented developments (TOD's) are common in many suburban downtowns due to proximity to train stations and convenient businesses. Units will include studio to two bedroom luxury apartment with expected rents ranging from $1,770 to $3,326 per month. The developer has the ability to convert one bedroom units to two bedroom units if demand is higher for larger units. The units are being constructed to allow conversion to condos units if necessary in the future. The building will feature several common spaces including a rooftop pool, barbeque area, party room (with a shared kitchen), fitness and yoga room, conference rooms and a golf simulator.

Question: What is the commercial component of this development?
Answer: The project will provide 8,844 square feet of first floor commercial space. The new commercial space that would be included in this development would add commercial space meeting today's commercial tenant expectations, in addition to meeting the current standards for building and fire safety codes. This new commercial space would potentially invite new uses to locate downtown.

Parking

Question: How much parking will the Village gain with the addition of this project?
Answer: Currently, the Main Street parking lot includes 80 spaces available for public use, in addition to the 42 parking spaces for permit parking only. The new development will include 137 public parking spaces on the first floor of the parking structure. With the Village not anticipating any permit parking usage in the new structure at the outset, it will add a total of 57 public parking spaces for additional use. The current 42 permit spaces in the Main Street lot have already been relocated to other lots.

Question: How long will the parking structure at this location be under construction?
Answer: Once construction begins, the developer anticipates completing the structure within eight months to be available for public usage. In the meantime, the Village is working on a short-term parking plan to accommodate downtown customer parking needs.

Question: Is the Village selling the Main Street parking lot land to the developer?
Answer: While the developer will own the property during the construction of the parking garage and building, once complete, the Village will resume ownership of the first floor parking garage which will include the 137 public parking spaces.

Question: How will the public be able access the first floor public parking?
Answer: There will be three access points for public parking, including entrances off of Main Street, Hillside Avenue and Glenwood Avenue. This is an increase over the two existing access/entry points to the Village surface parking lot. Residential access to the second floor of parking would only be accessible from Hillside Avenue.

Question: Why is the Village not requesting additional public parking to be provided?
Answer: In this particular location (in the C5A zoning district), the developer is not required to provide parking for the commercial or residential components of the project. However, the Village has requested that the existing public parking be replaced and that parking be provided for the residents of the development.

Environmental and Safety

Question: Has a traffic analysis been performed to identify the impact of increased traffic from the proposed development?
Answer: Yes, a traffic impact study was conducted. It is expected that the traffic generated by the development will be low with approximately 38 vehicles entering the site and 31 vehicles leaving the site during the busiest traffic hour. The Village's traffic consultant agrees with the findings of the traffic impact study submitted by the developer's consultant, that the existing roadway network is adequate to accommodate the additional traffic expected to be generated

by the development. While delays would continue to be experienced when gates are down for train activity, vehicular traffic delays at intersections are projected to increase by only a few seconds following the completion of the development.

Question: How is the building height in comparison to others in the downtown?
Answer: Although there are several two to three story buildings adjacent to the site, at heights of 36 to 51 feet, what would be permitted on the site would be a four story building. As part of the approval for the planned unit development, the developer is seeking a deviation from the height limitation to allow a five story building. The proposed development will be 65 feet at its highest points (at the corners due to architectural features), however, much of the project will be 58 feet. There are several apartment developments on the periphery of the downtown core that are 5 to 7 stories tall.

Question: Will sunlight be diminished on the street as a result of the development?
Answer: A computer generated sun study was conducted by the developer. The sun study shows what time of day Main Street will be in complete shadow with a 45 foot building (permitted height) versus a 65 foot building (proposed height). The proposed building as opposed to a permitted height building one-story shorter, would reduce sunlight on Main Street by 30-40 minutes in the evening, depending upon the season.

Financials

Question: How much is the Developer expecting to invest and what is the financial impact to the Village of Glen Ellyn?

Answer: The Developer is projected to spend $39M on this project and is seeking $800K total over five years in TIF incentives in addition to the Main Street Parking lot, valued at $1.845M. The project is projected to generate $8.652M over the life of the TIF. The project would grow the EAV and benefit all taxing districts once the TIF expires. The Village's consultant has vetted the developers proforma and believes there estimated return on costs of 6.71% are reasonable given that market return on cost benchmarks are 7% or near 7%.