



Agenda
Village of Glen Ellyn
Zoning Board of Appeals Meeting
Tuesday, August 24, 2021
7:00 PM
Civic Center, Galligan Board Room

- A. Call to Order**
- B. Chairperson's Statement**
- C. Public Comment (Non Agenda Items)**
- D. Approval of Draft Minutes from June 22, 2021**
 - 1) June 22, 2021 Minutes
- E. Public Hearings**
 - 1) 480 Cottage Avenue - Construction Necessitated Zoning Variation - Impervious Surface Setback
 - 2) 333 Indian Drive - Construction Necessitated Zoning Variations - Front and Side Yard Setbacks
- F. Village Board Trustee Report**
- G. Staff Report**
- H. Adjournment**

cc: Zoning Board of Appeals Members
Anne Gould, Trustee Liaison
Atrian Fard, Staff Liaison
Lindsey Kaminsky, Executive Assistant/ Recording Secretary
Staci Springer, Community Development Director
Kelly Purvis, Planning Manager
Steve Witt, Building & Zoning Official
Associate Planner
Lore Gloude, Administrative Assistant
Mark Franz, Village Manager
Emily Rodman, Assistant Village Manager
Brian Baltudis, Facilities Manager

Dear Interested Citizens:

This note provides you with information regarding the process of amending the Village Code. Once public comments, discussions and considerations have been completed, the Building Board of Appeals makes a recommendation to the Village Board. The recommendation, along with the meeting minutes, summary report and all related material, is then scheduled for consideration by the Village Board at one or two meetings. The recommendation may first be considered by the Village Board at a workshop meeting, which will be held on a Monday at 7:00 p.m. The recommendation may then be considered at a formal meeting of the Village Board at 7:00 p.m., for a formal decision. To confirm exact dates for these Village Board meetings, please call 630-547-5244. The Village Board meets in the Board Room on the third floor of the Civic Center, 535 Duane Street.

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



Village of Glen Ellyn



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

Meeting 8/24/2021 7:00 PM
Department: Community Development
Department Head: Staci Springer
Category: Minutes
Prepared By: Atrin Fard, Kelly Purvis

**AGENDA ITEM (ID
2021-1362)**

DOC ID: 2021-1362

June 22, 2021 Minutes

Statement of the Issue:

Please see attached.

Analysis:

Please see attached.

Budget Impact:

Please see attached.

Action Requested:

Please see attached.

Attachments:

1. Draft Minutes ZBA 06221

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 statute 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 is 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 compliance 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 for 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 and 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 unaware 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 are 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 is 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.

Motion

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 contacted 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 the 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 unaware 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 issued 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 compliant.

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



**Glen Ellyn Zoning Board
of Appeals**

535 Duane Street
Glen Ellyn, IL 60137

Meeting 8/24/2021 7:00 PM
Department: Community Development
Department Head: Staci Springer
Category: Public Hearing
Prepared By: Atrin Fard, Kelly Purvis

**AGENDA ITEM (ID
2021-1363)**

DOC ID: 2021-1363

480 Cottage Avenue - Construction Necessitated Zoning Variation - Impervious Surface Setback

Statement of the Issue:

Please see attached.

Analysis:

Please see attached.

Budget Impact:

Please see attached.

Action Requested:

Please see attached.

Attachments:

1. 480 Cottage Staff Report -II
2. 1. Application Materials
3. 2. Property Aerial Map
4. 3. Zoning Map
5. 4. 1' Contour Map
6. 5. Plat of Survey Exhibit
7. 6. Approved Plat of Survey for Building Permit
8. 7. Approved Plat of Survey for Building Permit (Neighbor to the East)
9. 8. Photo No.1
10. 9. Photo No.2
11. 10. Photo No.3
12. 11. Cost Estimate to Remove Work
13. 12. Neighbor's Letter of Support
14. 13. Public Notice

15. 14. Certificate of Publication
16. 15. Map of properties notified by mailing
17. 16. Mailing list
18. Motion to Approve Zoning Variation_480 Cottage
19. Motion to Deny Zoning Variation_480 Cottage

STAFF REPORT

TO: The Zoning Board of Appeals

FROM: Kelly Purvis, Planning Manager
Atrian Fard, Planner

DATE: August 6, 2021

SUBJECT: August 24, 2021 Zoning Board of Appeals Meeting

PROPERTY: The subject property, 480 Cottage Avenue is an interior lot on the north side of Cottage Avenue and between North Main Street and Pleasant Avenue.

PETITIONER: Peter A. Hollowed, owner of the subject property, is requesting a public hearing for a construction necessitated zoning variation for the property located at 480 Cottage Avenue.

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

1. A variation from Section 10-5-5(C)(1) of the Zoning Code to reduce the permitted impervious setback from the east interior side lot line of 0.91 feet to zero (0) feet along more than half of the existing driveway on the property; and
2. Any other zoning relief necessary to allow the driveway to remain as depicted on the plans presented at the public hearing or at a public meeting of the Village Board.

ZONING/USE: The subject property and all surrounding properties are zoned R2 – Single Family Residential District and are all improved with single-family homes.

PUBLIC NOTICE: Notice of the public hearing was published in the August 6, 2021, edition of the Daily Herald, mailed to property owners within 350 feet of the subject property, and a placard was placed on the property.

**ZONING
ORDINANCE
HISTORY:**

The Village has no record of any prior variations being granted for the subject property.

**PERMIT
HISTORY:**

Year	Permit No.	Type
1964	B9543	Electrical
1987	B9393	Detached Garage

2005 B24592

Electrical

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

Lot Area	8,712 ft ² (0.20 acres)	~10,146.5 ft ² (0.23 acres)
Lot Width	80', corner lots; 66', all other lots	45.5'
Front Yard	30' (between 30' and 50' for new construction; but no closer than the closest principal structure on adjacent lots on the same side of the street)	37.32' actual
Side Yard	6.5' required	5.61' (west); 14'(east)
Rear Yard	40'	~128'

PROJECT HISTORY:

For many years, the homeowners at 480 Cottage (subject property) and the adjacent property to the east, 482 Cottage Avenue, have had connected driveway, as both lots are very narrow and would not be able to provide the 9 foot required driveways and the approximately 1 foot required impervious surface setbacks between the two homes. Despite the driveways being connected, the surface of the west portion of the shared driveway (480 Cottage's side) was finished with concrete, while the east side was originally surfaced with gravel and then replaced with asphalt (please see attached Photo No.1).

The property owners hired (A.V. Concrete Services, LLC) to replace both driveways. On June 15th, 2020, A.V. Concrete Services, LLC submitted applications for building permits on behalf of the homeowners. Although both proposals called for the replacement of the connected driveways in the exact location, it came to staff's attention that the asphalt portion of the shared driveway which had been predominantly utilized and maintained by the adjacent property owner (482 Cottage) was encroaching onto the subject property as much as 2.2 feet in some locations. It should be noted that the Village has no record of a permit being issued for the asphalt driveway for the property at 482 Cottage, so that portion of the driveway was illegal and non-conforming. In an attempt to remove the nonconforming encroachment, staff advised the construction company to build the new driveway on 482 Cottage up to the common property line (not to the full extent that the prior asphalt driveway had been constructed). This action led to a narrow triangular gap along the east side of the 480 Cottage property (please see attached Photo No.2).

On June 29th, 2020, staff notified the contractor that the driveway at 480

Cottage may be replaced in the location of the existing concrete driveway as shown on the approved plat of survey (please see attached), and noted that no expansion of the concrete driveway is allowed due to the required impervious surface setback. After the work was completed, on September 24th, 2020, the Village performed a final inspection and recognized that the the new concrete driveway for 480 Cottage was expanded and now extends up to the property line, where an impervious surface setback of 0.91 feet is required (please see attached Photo No.3).

When staff inquired, the homeowner indicated that he was not informed about permit conditions by the contractor until after the project was completed. Per the homeowner's narrative (attached), a narrow, unpaved gap between the driveways that was previously filled with asphalt could cause a tripping hazard for pedestrians who walk on the driveway, and this risk increases during winter when water freezes between the driveways. Furthermore, ice formation in the gap could lead to damage to both concrete driveways. The petitioner also states that maintaining the driveways as they are currently improved would be more esthetically pleasing and would provide greater utility to both homeowners given their narrow lots.

With the impervious surface coverage remaining unchanged, staff believes that maintaining the existing improvements will not negatively impact the drainage of the property when compared with what existed before the improvements. However, any additional pavement in areas that would otherwise be unpaved, will increase runoff, albeit very minor in this case.

On April 8th, the petitioner provided a letter from the immediately adjacent property owner to the east (482 Cottage) supporting the requested construction necessitated variation. As of completion and preparation of this report, there have been no comments received in support or opposition to the variation from neighboring residents.

PROPOSED:

The petitioner is proposing to maintain the concrete driveway in its existing location, up to the property line per the attached plat of survey exhibit. If the request is denied, the petitioner has provided a cost estimate of \$2,950 to remove the non-conforming concrete and restore the area with topsoil and planting seeds (estimate attached).

Per Section 10-10-12 of the Glen Ellyn Zoning Code, the petitioner is requesting approval of a construction necessitated zoning variation to allow for the maintenance of an existing driveway with no impervious surface setback on the property located at 480 Cottage Avenue. In order for the concrete driveway to remain as is, the abovementioned variation will need to be granted.

ZBA ACTION:

The ZBA should consider the testimony presented during the public hearing and review the written evidence presented as part of the

petitioner's application packet. The ZBA should make findings of fact and determine if practical difficulty or a particular hardship exists and if the essential character of the neighborhood is maintained.

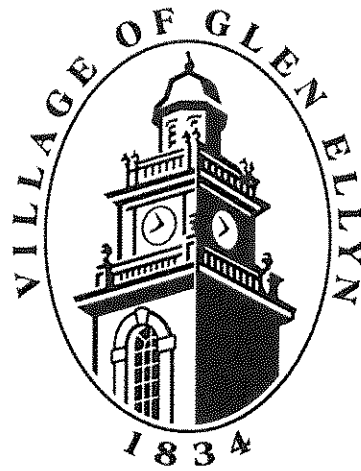
The ZBA may choose to make a recommendation to the Village Board for the approval, approval with conditions or denial of the request in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code.

ATTACHMENTS

1. Application Materials
2. Property Aerial
3. Zoning Map
4. 1' Contour Map
5. Plat of Survey Exhibit
6. Approved Plat of Survey for Building Permit
7. Approved Plat of Survey for Building Permit (Neighbor to the East)
8. Photo No.1
9. Photo No.2
10. Photo No.3
11. Cost Estimate to Remove Work
12. Neighbor's Letter of Support
13. Public Notice
14. Certificate of Publication
15. Map of properties notified by mailing
16. Mailing list

CC: Staci Springer, AICP, Director of Community Development
 Amy McKenna, Senior Civil Engineer
 Paula Moritz, Plan Reviewer
 Peter A. Hollowed, Property Owner

X:\Plandev\BUILDING\ZBA\5. VARIATION BY ADDRESS\C\COTTAGE\480 Cottage



VILLAGE OF GLEN ELLYN

Construction Necessitated Zoning Variation Request Packet

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

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: Reber A. Hollowed

Address: 480 Cottage Ave. Glen Ellyn IL 60137

Home Phone No.: _____ Work Phone No.: _____

Mobile Phone No.: 312-231-3137 Fax No.: _____

E-mail: phollowed@aol.com

Ownership Interest in the Property in Question: _____

I am the 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):

Peter + Gina Hollowed
480 Cottage Ave Glen Ellyn IL 60137

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: 480 Cottage Ave. Glen Ellyn IL.

Permanent tax index number: 05-11-302-015

Legal description:

480 Cottage Ave Glen Ellyn IL 60137

Milton Township

Property Index Number
05-11-302-015

Zoning classification: R-2

Lot size: 223 ft. x 45.5 ft.

Area: 10,146.5 sq. ft.

Present use: Primary residence

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):

I have a very narrow lot and am requesting a variance to have my driveway extend to my property line. My driveway extends to my neighbors driveway which is also on a narrow lot. We use this area to park and store snow during heavy snow falls. 10-5-5C

Estimated date to begin construction: already complete

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

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:

To have my drive and neighbors drive come together at the property line improves usefulness appearance and drainage.

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):

If I had to remove the sliver of concrete adjacent to my drive as well as my neighbors would be subject to water and ice pooling in the area that in time will freeze thaw and break up both drives. With the concrete removed it would be messy and harder to navigate our cars on both drives.

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

I have a connecting drive with my neighbor. We both have narrow lots. The paved area between the houses improves the usefulness greatly. See attachment for timeline information.

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 drive ways have been connected to for many years. My neighbors black top had been extended over his property line to meet my drive. The continuous non pervious surface is a benefit for both properties.

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

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

If the variance is not granted my neighbor and I will have a very narrow wedge shaped sliver of un paved area. It will not look good. It would allow water and ice to deteriorate the concrete on both properties.

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

A continuous solid surface is better for looks, drainage, durability. Our lots are very narrow and it makes the area far more useable to us.

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 variance is requested to maintain the previous connected drive non pervious surface. It has been like that for many years.

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 reason we need a variance was created
by a contractor miscommunication.

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

Granting the variance will not be
detrimental. It will restore the drive
to its condition before any work was done.
Same as before.

6. Provide evidence that the proposed variation will not:

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

The variance will not effect light or
air at all.

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

The variance will not effect hazard
from fire.

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

It will not effect public safety. It actually
is much safer than have a long wedge
shape strip of unpaved area on our drives.

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

The property value will not be effected
as the variance is to restore the area
to its pre construction conditions.

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

It will have no effect on traffic.

- f. Create a nuisance; or

It would not create a nuisance.

- g. Results in an increase in public expenditures.

It would not increase 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.

The Variance is better for everyone.

My family - my neighbor - the city - my neighborhood.

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

Please see attached document:

CERTIFICATIONS, CONSENT AND SIGNATURE(S):

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

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

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

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

10-18-2020

Date

Peter A Hollowed

Print Name

Peter A. Hollowed

Signature of Applicant

Date

Print Name

Signature of Applicant

Date

Print Name

Signature of Applicant

REIMBURSEMENT OF FEES AGREEMENT

Village of Glen Ellyn Acct: # _____

Initial Deposit Amount: _____

I. DESCRIPTION OF PROJECT: Concrete Driveway

II. OWNER:

- A. Owner of Property: Peter + Gina Hollowed
B. Owner's Address: 480 Cottage Ave. Glen Ellyn
C. Owner's Home Phone Number: 312-231-3137 Fax: _____
D. Owner's Work Phone Number: _____
E. Owner's E-mail: phollowed@aol.com
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: Peter Hollowed
B. Petitioner's Address: 480 Cottage Ave. Glen Ellyn
C. Petitioner's Home Phone Number: 312-231-3137
D. Petitioner's Work Number: _____
E. Petitioner's E-mail: phollowed@aol.com

IV. LOCATION OF PROPERTY:

- A. General Location of Property: 480 Cottage Ave. Glen Ellyn Il.
B. Acreage of Parcel: _____
C. Permanent Index Number(s): _____
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.



Petitioner



Owner

Date: 10-18-2020

Village of Glen Ellyn

By: _____
Planning and Development Director

Date: _____



Appraisal * Title * Settlement * Default

100 Beechan Drive Pittsburgh PA 15205-2550

Phone:412.921.7400 * Toll Free:800.753.3339 * Fax:412.921.7447 * Toll Free:800.252.1465 * www.nreis.com

ORDER: T010-063896

RE: HOLLOWED, GINA
HOLLOWED, PETER A
480 COTTAGE AVE
GLEN ELLYN, IL 60137
DUPAGE COUNTY

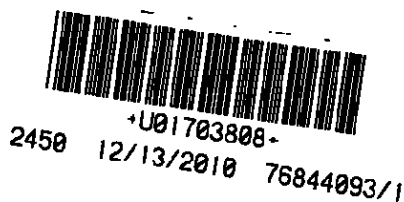
LEGAL DESCRIPTION

THE FOLLOWING DESCRIBED REAL ESTATE, TO WIT:

THE EAST 45 1/2 FEET OF LOT 1 IN BLOCK 4 IN GLEN ELLYN
ADDITION TO PROSPECT PARK, BEING A SUBDIVISION IN SECTION
11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD
PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED
JUNE 11, 1890 AS DOCUMENT 42867, IN DUPAGE COUNTY,
ILLINOIS.

ADDRESS: 480 COTTAGE AVE; GLEN ELLYN, IL 60137.

Parcel ID NO: 05-11-3002-015



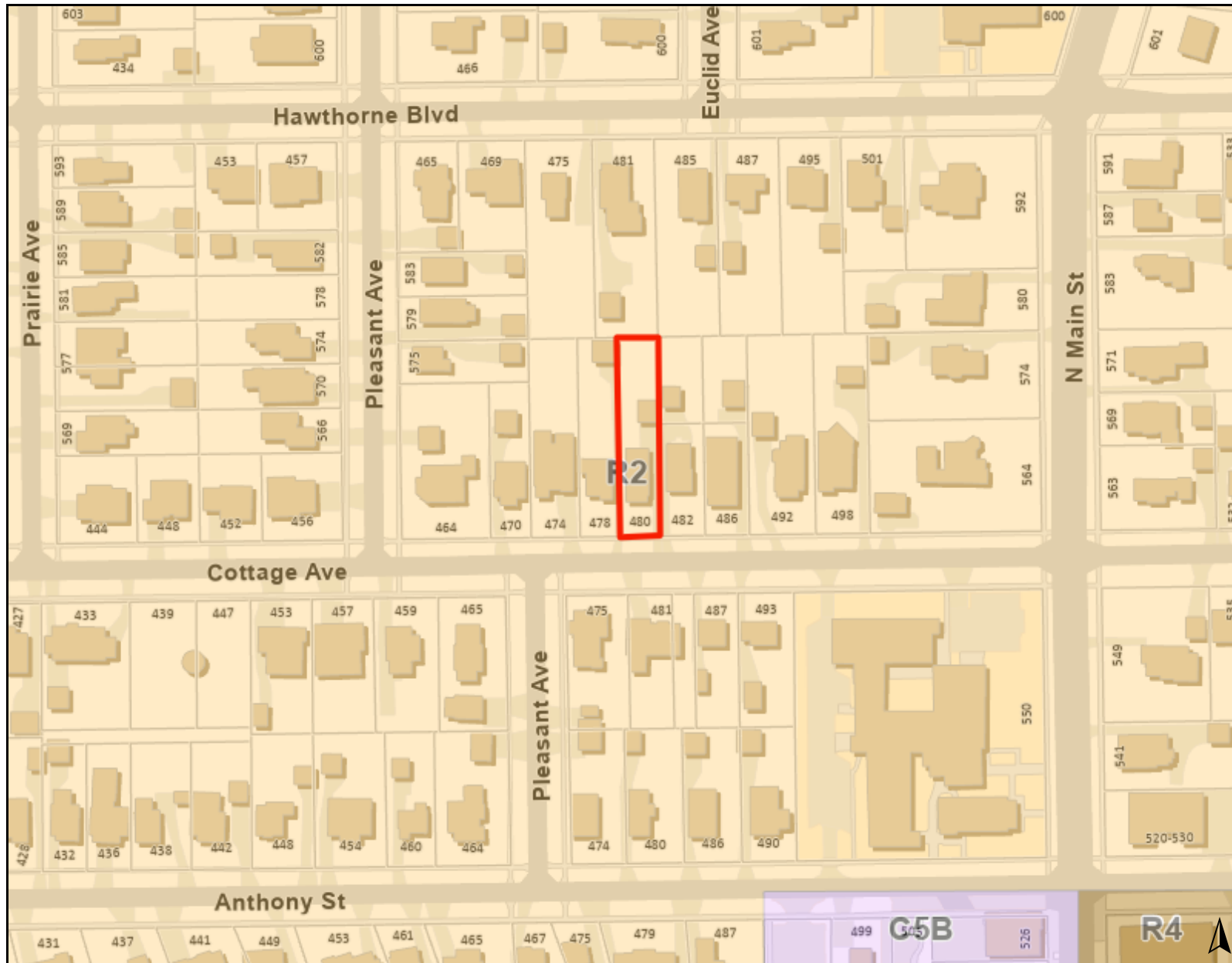


0 100 200
ft

Print Date: 7/30/2021

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.

**Legend**

Zoning and Development

Zoning

- C5B: Central Business District (Service)
- R2: Single Family Residential District
- R4: Multi-Family Residential District

0 300 600
ft

Print Date: 7/30/2021

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.

**Legend**

DuPage County

DuPage County 1' 2017 Contours

— Contour Line, Intermediate

— Contour Line, Major

0 300 600
ft

Print Date: 7/30/2021

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.

COTTAGE ^{COO} AVENUE
(21CT. Blacktop Paving)

(21 CT. Blacktop Paving



Parcel #
05-11-302-015

2.82 alt Gar

9.75 car + horse

PLAT OF SURVEY 2.67 town 33 range 10

OF THE EAST 45.5 FEET OF LOT 1 IN BLOCK 4 IN GLEN ELLYN ADDITION TO PROSPECT PARK, BEING A SUBDIVISION IN SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 11, 1890, AS DOCUMENT 42867, IN DUPAGE COUNTY, ILLINOIS.

RECEIVED

JUL 15 2020

JOB SITE COPY
THIS REVIEW SET OF CONSTRUCTION DOCUMENTS
MUST BE ON THE JOB SITE AND AVAILABLE TO THE
INSPECTOR AT ALL TIMES.

AVENUE

PLEASANT

CALL 630-547-5250

BY Steve W. J. [Signature]
FINAL INSPECTION REQUIRED FOR ALL PROJECTS

Date 6/26/20 Permit No. 2020103

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.

☒ AS NOTED
☒ FOUNDATION ONLY
☒ APPROVED

REVIEWED FOR CODE COMPLIANCE

NOTE:

DRIVEWAY SHALL BE REPLACED AT SAME LOCATION, SAME SIZE AND ELEVATION.

*Note that the existing concrete driveway does not extend to the property line.

It is as much as 3 feet away from the property line!

COTTAGE

AVENUE

IRON PIPE (PER DEED) (431.5')
 IRON PIPE 15.83' SOUTH & ONLINE (6.64 Chains)
 (438.24')
 (PER DEED)

(PER DEED)
(99.5')
STREET
(1.50 Chains)
(99.0')
& 3

(PER DEED)
(127.2')

(1.95 Chains)
(128.7')
(PER DEED)

PARCE

DD

pp

FILE COPY

1302/1105

**482 Cottage
Glen Ellyn, IL**









Proposal

Glenn Hookham Construction, Inc.

General Contractor

180 North Lambert Road Glen Ellyn, Illinois 60137 (630) 469-7966 Fax (630) 469-7954

Page No. of Pages

PROPOSAL SUBMITTED TO	Peter H. Hollowell	PHONE	312-231-3137	DATE	7/2-12/21
STREET	480 Cottage Dr.	JOB NAME	H. Hollowell		
CITY, STATE AND ZIP CODE	Glen Ellyn, Ill 60137				

We hereby propose to furnish materials and labor necessary for the completion of

Concrete removal and Wedge shape
area of existing driveway, Cost
approximately \$0 of concrete.

Break up and remove concrete between
existing man - driveway

Hand assign material and protect

both driveway. Left area of removed
concrete not gravel. Revision: Fill void
with black dirt.

Any additional work to be done time and material at RT. per man hour.

Amount of PROPOSAL Two thousand nine hundred and fifty dollars
Payment to be made as follows upon completion dollars (\$ 2950.)

All material is guaranteed to be as specified. All work to be completed in a substantial workmanlike manner according to specifications submitted, per standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized
Signature

Glenn Hollowell

Note: This proposal may be
withdrawn by us if not accepted within _____ days.

ACCEPTANCE OF PROPOSAL The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outline above.

Signature

Date of Acceptance _____ Signature _____

Peter Hollowed

From: phollowed <phollowed@aol.com>
Sent: Thursday, April 8, 2021 12:39 PM
To: Peter Hollowed

EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide your username or password.

April 2, 2021

Village of Glen Ellyn Building Department 535 Duane Street Glen Ellyn, IL 60137

RE: Driveway permit/variance for 480/482 Cottage Ave

To Whom It May Concern:

As the owner of 482 Cottage Ave, the adjacent property to 480 Cottage Ave and in which the driveways are next to each other, I accept the final work that was done for the driveway at 480 Cottage Ave. in 2020. It has been represented to me there was a slight variance from the plan submitted that has caused concern with the Village of Glen Ellyn. However, while the driveways were being laid (both driveways were re- done concurrently), it was discovered the old driveway of my property at 482 Cottage Ave (asphalt) was actually over the property line. This suggests that it is possible prior owners' of the respective properties may have had incorrect plans approved in the past and the underlying issue is related to then, which should not present issues with the more recent plans. The contractor moved the driveway separation to the property line leaving the existing shrubs as they were, and it looks good as is.

Please reach out if you need anything further. Regards,

Steve Remelius

482 Cottage Ave.

Glen Ellyn, IL 60137 773-398-6618 steven.remelius@snc.edu

Sent from the all new AOL app for iOS



NOTICE OF PUBLIC HEARING

Peter Hollowed, owner of the property at 480 Cottage Avenue, is requesting a public hearing for a zoning variation in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code. Before the Glen Ellyn Village Board can consider this request, the Glen Ellyn Zoning Board of Appeals must conduct a public hearing. The Zoning Board of Appeals will conduct a public hearing on **Tuesday, August 24, 2021** at 7:00 p.m. in the Galligan Board Room of the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Anyone is welcome to attend.

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

1. Section 10-5-5(C) to allow a 0 foot impervious surface setback for a driveway, in lieu of the 1 foot setback required; and
2. Any other zoning relief necessary to allow the driveway to remain as constructed and as depicted on the plans presented at the public hearing or at a public meeting of the Village Board.

The property is zoned R2, Residential District, and is legally described as follows:

THE EAST 45 ½ FEET OF LOT 1 IN BLOCK 4 IN GLEN ELLYN ADDITION TO PROSPECT PARK, BEING A SUBDIVISION IN SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 11, 1890 AS DOCUMENT 42867, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-11-302-015

Plans are on file in the Community Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois and can be requested by contacting Atrian Fard, Planner at afard@glenellyn.org. All public comments received by 4:30 pm on Tuesday, August 24, 2021 will be read into the record at the public hearing. For individuals with disabilities who have questions regarding the accessibility of the meeting or facilities, contact Brian Baltudis, ADA Coordinator, at (630) 469-5000.

NOTICE OF PUBLIC HEARING

Peter Hollowed, owner of the property at 480 Cottage Avenue, is requesting a public hearing for a zoning variation in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code. Before the Glen Ellyn Village Board can consider this request, the Glen Ellyn Zoning Board of Appeals must conduct a public hearing. The Zoning Board of Appeals will conduct a public hearing on Tuesday, August 24, 2021 at 7:00 p.m. in the Galligan Board Room of the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Anyone is welcome to attend.

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

1. Section 10-5-5(C) to allow a 0 foot impervious surface setback for a driveway, in lieu of the 1 foot setback required; and
2. Any other zoning relief necessary to allow the driveway to remain as constructed and as depicted on the plans presented at the public hearing or at a public meeting of the Village Board.

The property is zoned R2, Residential District, and is legally described as follows:

THE EAST 45 1/2 FEET OF LOT 1 IN BLOCK 4 IN GLEN ELLYN ADDITION TO PROSPECT PARK, BEING A SUBDIVISION IN SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 11, 1890 AS DOCUMENT 42867, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-11-302-015

Plans are on file in the Community Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois and can be requested by contacting Atrian Fard, Planner at afard@glenellyn.org. All public comments received by 4:30 pm on Tuesday, August 24, 2021 will be read into the record of the public hearing. For individuals with disabilities who have questions regarding the accessibility of the meeting or facilities, contact Brian Balludis, ADA Coordinator, at (630) 469-5000.

Published in Daily Herald August 6, 2021 (4568224)

RECEIVED

AUG 16 2021

VILLAGE OF GLEN ELLYN

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

**DuPage County
Daily Herald**

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

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

County(ies) of DuPage

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

I further certify that the DuPage County DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 08/06/2021 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

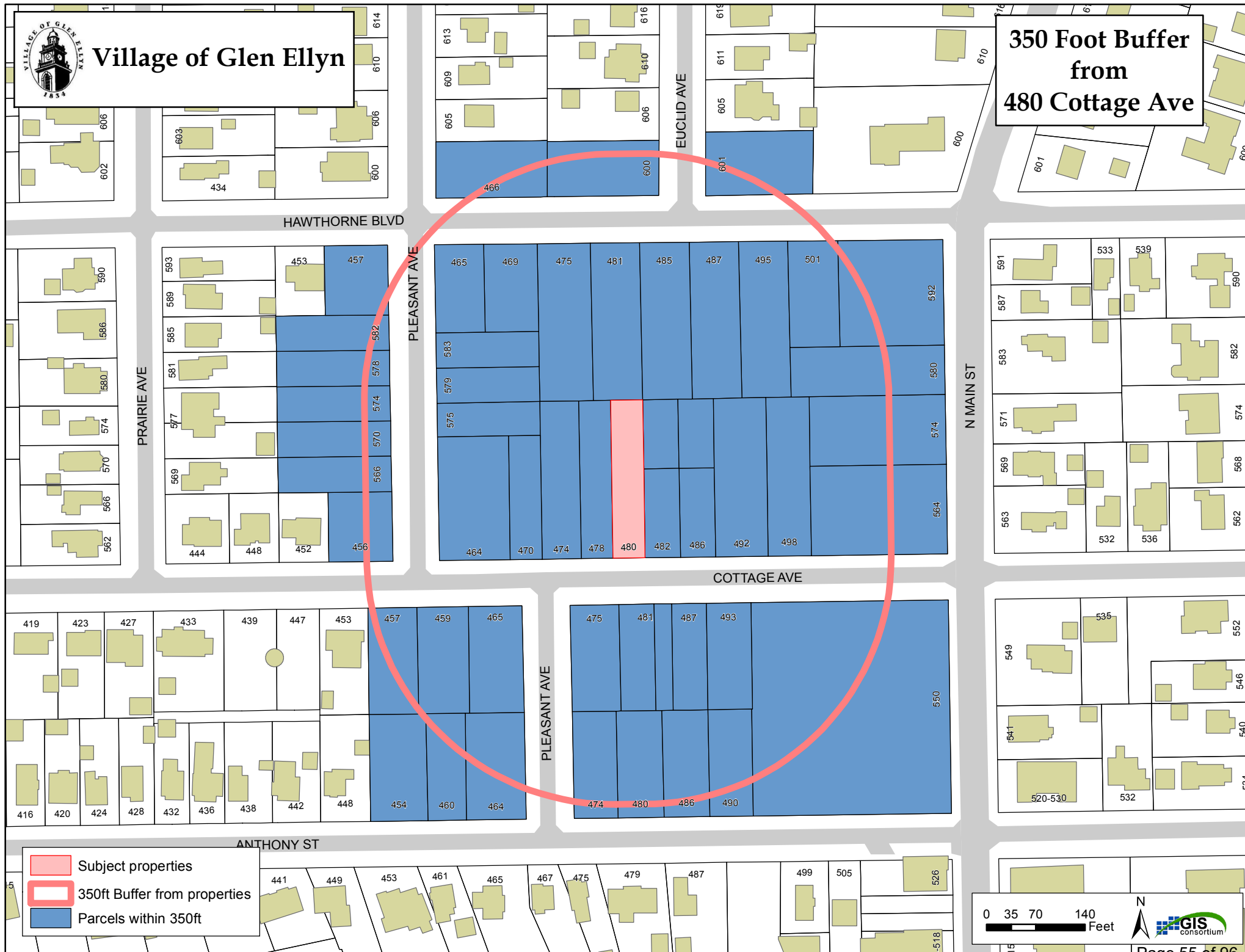
Designee of the Publisher and Officer of the Daily Herald

Control # 4568224



Village of Glen Ellyn

350 Foot Buffer
from
480 Cottage Ave



480 Cottage Address List

Name	Street #	St. Dir	Street Name	City	State	Zip
1ST PRESBYTERIAN CHURCH	550	N	MAIN ST	GLEN ELLYN	IL	60137
ALLSOPP, MARY F	575		PLEASANT AVE	GLEN ELLYN	IL	60137
AMBLER, CHRISTIAN D	464		COTTAGE AVE	GLEN ELLYN	IL	60137
BENNETT, BRUCE & JENNIFER	469		HAWTHORNE BLVD	GLEN ELLYN	IL	60137
BRADY, PATRICK K TR	564	N	MAIN ST	GLEN ELLYN	IL	60137
BROWN, MARK & REBECCA	583		PLEASANT AVE	GLEN ELLYN	IL	60137
BUECHNER, CHRISTOPHER & C	490		ANTHONY ST	GLEN ELLYN	IL	60137
COONEY, MICHAEL S & AMY M	574		PLEASANT AVE	GLEN ELLYN	IL	60137
CORNELL, KELLY	570		PLEASANT AVE	GLEN ELLYN	IL	60137
CORONELLI, THOMAS & E	457		COTTAGE AVE	GLEN ELLYN	IL	60137
DELLA POLLA, VITO & S	579		PLEASANT AVE	GLEN ELLYN	IL	60137
DIMARE, LESLIE K	486		ANTHONY ST	GLEN ELLYN	IL	60137
DUGAN, MICHAEL & E GAIL	600		EUCLID AVE	GLEN ELLYN	IL	60137
EVANS, MICHAEL & B WILKENS	459		COTTAGE AVE	GLEN ELLYN	IL	60137
GLASER, STEVEN & JULIE	481		COTTAGE AVE	GLEN ELLYN	IL	60137
HAQUE, RIAZ UL	465		HAWTHORNE BLVD	GLEN ELLYN	IL	60137
HARTWEG, PHILLIP C	487		HAWTHORNE ST	GLEN ELLYN	IL	60137
HOHULIN, TIMOTHY & AMY	486		COTTAGE AVE	GLEN ELLYN	IL	60137
HOLLOWED, PETER A & GINA	480		COTTAGE AVE	GLEN ELLYN	IL	60137
JEFFRIES, KENDALL D	474		ANTHONY ST	GLEN ELLYN	IL	60137
JOHNSON, JAMES & CORRIE	466		HAWTHORNE BLVD	GLEN ELLYN	IL	60137
KEATING, DAVID & MEGAN	493		COTTAGE AVE	GLEN ELLYN	IL	60137
KIKER, C KEITH & SUSAN B	460		ANTHONY ST	GLEN ELLYN	IL	60137
KING, AARON & JESSICA	457		HAWTHORNE BLVD	GLEN ELLYN	IL	60137
KNAPP, DAVID M & BRENDA S	495		HAWTHORNE	GLEN ELLYN	IL	60137
KUNKEL, RYAN & KRISTINA	578		PLEASANT AVE	GLEN ELLYN	IL	60137
LACHAPPELLE, CAROLE C	475		COTTAGE AVE	GLEN ELLYN	IL	60137
LITTLEHALE, D & G FROMAN	454		ANTHONY ST	GLEN ELLYN	IL	60137
LOW, JAMES & JULIET	498		COTTAGE AVE	GLEN ELLYN	IL	60137
LUTHER, THOMAS E	478		COTTAGE AVE	GLEN ELLYN	IL	60137
MARKS, LELAND F	475		HAWTHORNE	GLEN ELLYN	IL	60137
MAURER, NICHOLAS M	601		EUCLID	GLEN ELLYN	IL	60137
MC CARTHY, DENNIS & C A	480		ANTHONY ST	GLEN ELLYN	IL	60137
MC DONNELL, THOMAS & ELLEN	481		HAWTHORNE BLVD	GLEN ELLYN	IL	60137
MC NAMARA, K	464		ANTHONY ST	GLEN ELLYN	IL	60137
MOORHEAD, DAVID & DAYNE	582		PLEASANT AVE	GLEN ELLYN	IL	60137
NORTON, PETER B & HEATHER	474		COTTAGE AVE	GLEN ELLYN	IL	60137
PASTERZ, PAUL & TANIA	492		COTTAGE AVE	GLEN ELLYN	IL	60137
PORDES, STEPHEN & RUTH	501		HAWTHORNE BLVD	GLEN ELLYN	IL	60137
REMELIUS, STEVEN & S	482		COTTAGE AVE	GLEN ELLYN	IL	60137
SCHLESSER, MICHELE C	566		PLEASANT AVE	GLEN ELLYN	IL	60137
SCHOENING, DAVID & ROSE	470		COTTAGE AVE	GLEN ELLYN	IL	60137
SNYDER, TIMOTHY & KACI	1716		WILMETTE	WHEATON	IL	60187
STEPHAN, WILLIAM & RENEE	592	N	MAIN ST	GLEN ELLYN	IL	60137
THOMAS, SUSAN ELLEN	465		COTTAGE AVE	GLEN ELLYN	IL	60137
THOMSON, DAVE & TOM PALEKA	574	N	MAIN ST	GLEN ELLYN	IL	60137
WALCH, DAMIAN	456		COTTAGE AVE	GLEN ELLYN	IL	60137
WIECEK, CHARLES S	487		COTTAGE AVE	GLEN ELLYN	IL	60137
ZUMBROOK, PAUL R	580	N	MAIN ST	GLEN ELLYN	IL	60137

**DRAFT "MOTION" TO RECOMMEND APPROVAL OF
A ZONING VARIATION FOR 480 COTTAGE AVENUE**

Having considered the application of Peter Hollowed, owner of the property located at 480 Cottage Avenue, Glen Ellyn, for a construction necessitated zoning variation to allow a 0 foot impervious surface setback for a driveway, in lieu of the 1 foot setback required on the subject property, as depicted on the plans presented or revised at the public hearing, 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 August 24, 2021, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL of the requested zoning variation from Section 10-5-5(C), of the Glen Ellyn Zoning Code due to the following hardship(s) or unique circumstance(s):

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 August 24, 2021 public hearing of the Zoning Board of Appeals.
2. _____.
3. _____.
4. _____.

Motion by: _____ Seconded by: _____

DRAFT "MOTION" TO RECOMMEND DENIAL OF
A ZONING VARIATION FOR 480 COTTAGE AVENUE

Having considered the application of Peter Hollowed, owner of the property located at 480 Cottage Avenue, Glen Ellyn, for a construction necessitated zoning variation to allow a 0 foot impervious surface setback for a driveway, in lieu of the 1 foot setback required on the subject property, as depicted on the plans presented or revised at the public hearing, the Zoning Board of Appeals hereby recommends DENIAL of the requested zoning variation from Section 10-5-5(C) of the Glen Ellyn Zoning Code based upon the following findings of fact:

(Staff note: The ZBA may choose to approve some parts of the request and not others.)

(Choose one or more of the following):

A. That the plight of the owners is not due to a unique circumstance or a particular hardship;

B. That the variations, if granted, will alter the essential character of the locality because:

_____;

C. That the conditions upon which the variations are based would be applicable generally to other property within the same zoning district because:

_____;

D. That the purpose of the variations is based exclusively upon a desire to make more money out of the property since the applicants intend to:

_____;

E. That the practical difficulty or particular hardship has been created by persons presently having an interest in the property because:

F. That the variations will 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:

G. That the variations will substantially increase the hazard from fire or other dangers to said property and otherwise impair the public health, safety, or general welfare of the inhabitants of the Village since:

H. That the variations will diminish or impair property values within the neighborhood since:

I. That the variations will unduly increase traffic congestion in the public streets and highways since:

J. That the variations will result in an increase in public expenditures or create a nuisance since:

K. That the variations are not the minimum variations that will make possible the reasonable use of the land, building or structure.

Motion by: _____ Seconded by: _____



**Glen Ellyn Zoning Board
of Appeals**

535 Duane Street
Glen Ellyn, IL 60137

Meeting 8/24/2021 7:00 PM
Department: Community Development
Department Head: Staci Springer
Category: Public Hearing
Prepared By: Atrin Fard, Kelly Purvis

**AGENDA ITEM (ID
2021-1364)**

DOC ID: 2021-1364

333 Indian Drive - Construction Necessitated Zoning Variations - Front and Side Yard Setbacks

Statement of the Issue:

Please see attached.

Analysis:

Please see attached.

Budget Impact:

Please see attached.

Action Requested:

Please see attached.

Attachments:

1. 333 Indian Staff Report
2. 1. Application Materials
3. 2. Property Aerial Map
4. 3. Zoning Map
5. 4. 1' Contour Map
6. 5. Plat of Survey
7. 6. Approved Plan for Building Permit
8. 7. Existing Conditions Photos
9. 8. Cost Estimate to Remove Work
10. 9. Public Notice
11. 10. Certificate of Publication
12. 11. Letter of Support
13. 12. Map of properties notified by mailing
14. 13. Mailing list

15. Motion to Approve Zoning Variation_333 Indian
16. Motion to Deny Zoning Variation_333 Indian

STAFF REPORT

TO: The Zoning Board of Appeals

FROM: Kelly Purvis, Planning Manager
Atrian Fard, Planner

DATE: August 10, 2021

SUBJECT: August 24, 2021 Zoning Board of Appeals Meeting

PROPERTY: The subject property, 333 Indian Drive is an interior lot on the east side of Indian Drive between Memory Court and Roslyn Road, on the east edge of the Village corporate limits.

PETITIONER: Vladimir Gatalo, owner of the subject property, is requesting a public hearing for a construction necessitated zoning variation for the property located at 333 Indian Drive.

REQUEST: The petitioner is requesting a recommendation of approval of the following variations from the Glen Ellyn Zoning Code:

1. Section 10-4-8(D)(1)(a) to allow an existing addition to be approximately 29.85' from the west, front lot line where a front yard setback of 30' is required in the R2 Residential District;
2. Section 10-4-8(D)(1)(b) to allow an existing addition to be approximately 1' closer to the street than the closest principal structure immediately to the south where a principal structure (or addition thereto) is required be no closer to the street than the closest principal structure on either adjacent lot on the same block and same side of the street in the R2 Residential District;
3. Section 10-4-8(D)(3) to allow an existing addition to be approximately 6.39' from the south interior side lot line where an interior side yard setback of approximately 6.6' is required in the R2 Residential District; and
4. Any other zoning relief necessary to allow the home to remain as constructed and as depicted on the plans presented at the public hearing or at a public meeting of the Village Board.

ZONING/USE: The subject property and the properties to the north, west, and south are all zoned R2 – Single Family Residential District and are all improved with single-family homes. The property to the east across the East Branch of the DuPage River is ComEd owned right-of-way in unincorporated DuPage County and is currently vacant.

**PUBLIC
NOTICE:**

Notice of the public hearing was published in the August 10, 2021, edition of the Daily Herald, mailed to property owners within 350 feet of the subject property, and a placard was placed on the property.

**ZONING
ORDINANCE
HISTORY:**

The Village has no record of any prior variations being granted for the subject property.

**PERMIT
HISTORY:**

Year	Permit No.	Type
1955	5279	Demolition/Building a New Residence
2013	20130870	Addition

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

Lot Area	8,712 ft ² (0.20 acres)	~13,641.59 ft ² (0.31 acres)
Lot Width	80', corner lots; 66', all other lots	66'
Front Yard	30' (between 30' and 50' for new construction; but no closer than the closest principal adjacent structure on adjacent lots on the same side of the street)	29.85' actual (Closer than the closest principal structure on lots on the same side of the street)
Side Yard	6.6'	6.39' (south); 6.8' (north)
Rear Yard	40'	~129.5'

**PROJECT
HISTORY:**

Per permit 5279, the subject property was improved with a one-story frame single-family home in 1955. On July 15, 2013, the property was issued a building permit to construct a one-story addition to the existing residence. The homeowners began the construction process in 2013 but slowed down the project due to financial obstacles, leading to a construction period of nearly eight years. During these years, the homeowners received multiple permit extensions and requested several inspections from the Village.

After the work was completed, on November 5, 2020, the homeowners provided the Village with an updated plat of survey (dated October 29, 2020) that reflected the new building addition. On November 6, 2020, the Village performed a foundation inspection and recognized that the home addition was expanded beyond what was permitted and did not comply

with the required south interior side yard setback of 6.6 feet. Consequently, the homeowners were informed of the need to either correct the improvement to comply with this Code provision or file a Construction Necessitated Zoning Variation. On January 12, 2020, the homeowner notified the Village that they prefer to pursue a zoning variation to legalize the new building addition.

According to the petitioner's application statement, the unlawful addition expansion is as a result of mistakes made by the concrete contractor. However, the Village records list the homeowner as the concrete contractor for this project.

In August 2021, upon further review of the plat of survey submitted for the variation application, staff found that the new addition is also encroaching into the required front yard of 30 feet for 1.8 inches. Moreover, the subject building is now approximately one foot closer to the street than the closest neighboring building (327 Indian Drive), where in the R2 Residential Zoning District, a principal structure is required to be no closer to the street than the closest principal structure on either adjacent lot on the same block and same side of the street. These nonconformities triggered the second and third zoning variation requests noted above.

On August 11th, 2021, the Village Staff received a letter from the Forest Preserve District of DuPage County, acknowledging receipt of timely notice of the requested construction necessitated variation. As of completion and preparation of this report, there have been no comments received in support or opposition to the variation from neighboring residents.

PROPOSED:

Per Section 10-10-12 of the Glen Ellyn Zoning Code, the petitioner is requesting approval of a construction necessitated zoning variation to allow the building addition to remain in its existing location, encroaching into the required front and interior side yards per the attached plat of survey exhibit. If the request is denied, the petitioner has provided a cost estimate of \$47,000 to \$60,000 plus a 40% increase of material prices to bring the non-conforming addition into compliance (estimate attached). In order for the addition to remain as constructed, the abovementioned variations will need to be granted.

ZBA ACTION:

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

The ZBA may choose to make a recommendation to the Village Board for the approval, approval with conditions or denial of the requests in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code.

ATTACHMENTS

1. Application Materials
2. Property Aerial Map
3. Zoning Map
4. 1' Contour Map
5. Plat of Survey
6. Approved Plan for Building Permit
7. Existing Conditions Photos
8. Cost Estimate to Remove Work
9. Public Notice
10. Certificate of Publication
11. Letter of Support
12. Map of properties notified by mailing
13. Mailing list

CC:

Staci Springer, AICP, Director of Community Development
Paula Moritz, Plan Reviewer
Vladimir Gatalo, Property Owner

X:\Plandev\BUILDING\ZBA\5. VARIATION BY ADDRESS\Indian 333\CNV\Staff Reports\ZBA

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: VLADIMIR GATALO

Address: 333 INDIAN DRIVE GLEN ELLYN 60137

Home Phone No.: (630) 205-3905 Work Phone No.: (630) 205-3905

Mobile Phone No.: (630) 205-3905 Fax No.: _____

E-mail: VLADIMIR.GATALO@GMAIL.COM

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):

(SAME AS APPLICANT)

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

OWN

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: 333 INDIAN DRIVE, GLEN ELLYN IL 60127

Permanent tax index number: 0513 202 019

Legal description:

Zoning classification: _____

Lot size: 220 ft. x 66 ft. Area: 14,520 sq. ft.

Present use: RESIDENTIAL DWELLING.

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):

REQUESTING THE EXISTING FOUNDATION TO
encroach 2.52" (INCHES) into the required interior side
of 6.6' (feet). The ADDITION OF EXISTING HOME
also encroaches 1.8" (inches) into the required front yard and is
closer to the street than the closest neighboring building for approx. V. G.
1' (foot). Sections 10-4-8(D)(1)(a), 10-4-8(D)(1)(b), and 10-4-8(D)(3).

Estimated date to begin construction: _____

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

SERGEI SAFONOV

VLADIMIR GATALO 333 INDIAN DRIVE, GLEN ELLYN 6013

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:

MISTAKE BY CONCRETE CONTRACTOR.
CONTRACTOR WAS PROVIDED PLANS AND
POURED THE FOUNDATION INCHES OVER
THE REQUIRED SIZE and front yards. V.G.

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):

FOUNDATION ALREADY POURED AND
ADDITION ALREADY BUILT.

OR

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

WE WENT WITH THE CONCRETE CONTRACTOR
IN GOOD FAITH BELIEVING THEY WERE
POURING FOUNDATION IN CORRECT MEASUREMENTS.
WE PASSED TWO VILLAGE FOUNDATION
INSPECTIONS SUCCESSFULLY AT THE TIME OF
THE FOUNDATION BUILD.

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

ADDITION IS ALREADY BUILT.

- 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:

WE HAVE ALREADY PASSED FOUNDATION AND FRAMING VILLAGE INSPECTIONS AND WERE PROCEEDING WITH THE PROJECT IN GOOD FAITH BELIEVING THAT ALL IS OK.

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:

WE HAD A BUDGET FOR THIS PROJECT AND ARE STICKING TO THAT BUDGET. WE HAVE NO INTENTION OF SELLING THIS HOME FOR A PROFIT RESULTING FROM THIS ZONING VARIANCE. WE INTEND TO CONTINUE TO LIVE IN THIS HOME AS OUR PRIMARY RESIDENCE UPON COMPLETION OF ADDITION.

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

I, THE OWNER, AM THE APPLICANT
AND HAVE SO FAR FOLLOWED THE
VILLAGE PROVIDED GUIDELINES IN THE
PROCESS OF THIS ADDITION PROJECT.

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.

V.G.
GRANTING THE VARIANCES WILL SIMPLY
INCREASE THE FOUNDATION SIZE GUIDELINES
BY 2.52" towards side and 1.34" towards front AND THEREFORE WILL NOT BE
DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO
OTHER PROPERTY OR IMPROVEMENTS IN THE NEIGHBORHOOD.

6. Provide evidence that the proposed variation will not:

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

THERE ARE CURRENTLY 12' 10" FEET
BETWEEN OUR RESIDENCE AND ADJACENT PROPERTY
SO NO SUPPLY OF AIR OR LIGHT ARE AFFECTED.

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

N/A

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

N/A

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

WE BELIEVE THIS VARIANCES WILL NOT
DIMINISH OR IMPAIR VALUES WITHIN
THE NEIGHBORHOOD.

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

N/A

- f. Create a nuisance; or

N/A

- g. Results in an increase in public expenditures.

N/A

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

V.G.
GRANTING THE VARIANCES WILL SIMPLY
INCREASE THE FOUNDATION SIZE GUIDELINES
BY 2.52" towards side and 1.8" towards front AND WE BELIEVE IS REASONABLE
USE OF THE LAND, BUILDING OR STRUCTURE.

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

THANK YOU FOR YOUR CONSIDERATION. FROM
THE BEGINNING OF THIS PROJECT WE
BELIEVED WE ~~WERE~~ WERE ADHERING TO
THE VILLAGE GUIDELINES AND HAVE
PASSED VILLAGE INSPECTIONS AT EVERY
STEP OF THE WAY. THANKS AGAIN
AND WE APPRECIATE YOUR KIND CONSIDERATION

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.

2/14/21

Date

VLADIMIR GATLO

Print Name



Signature of Applicant

Date

Print Name

Signature of Applicant

Date

Print Name

Signature of Applicant



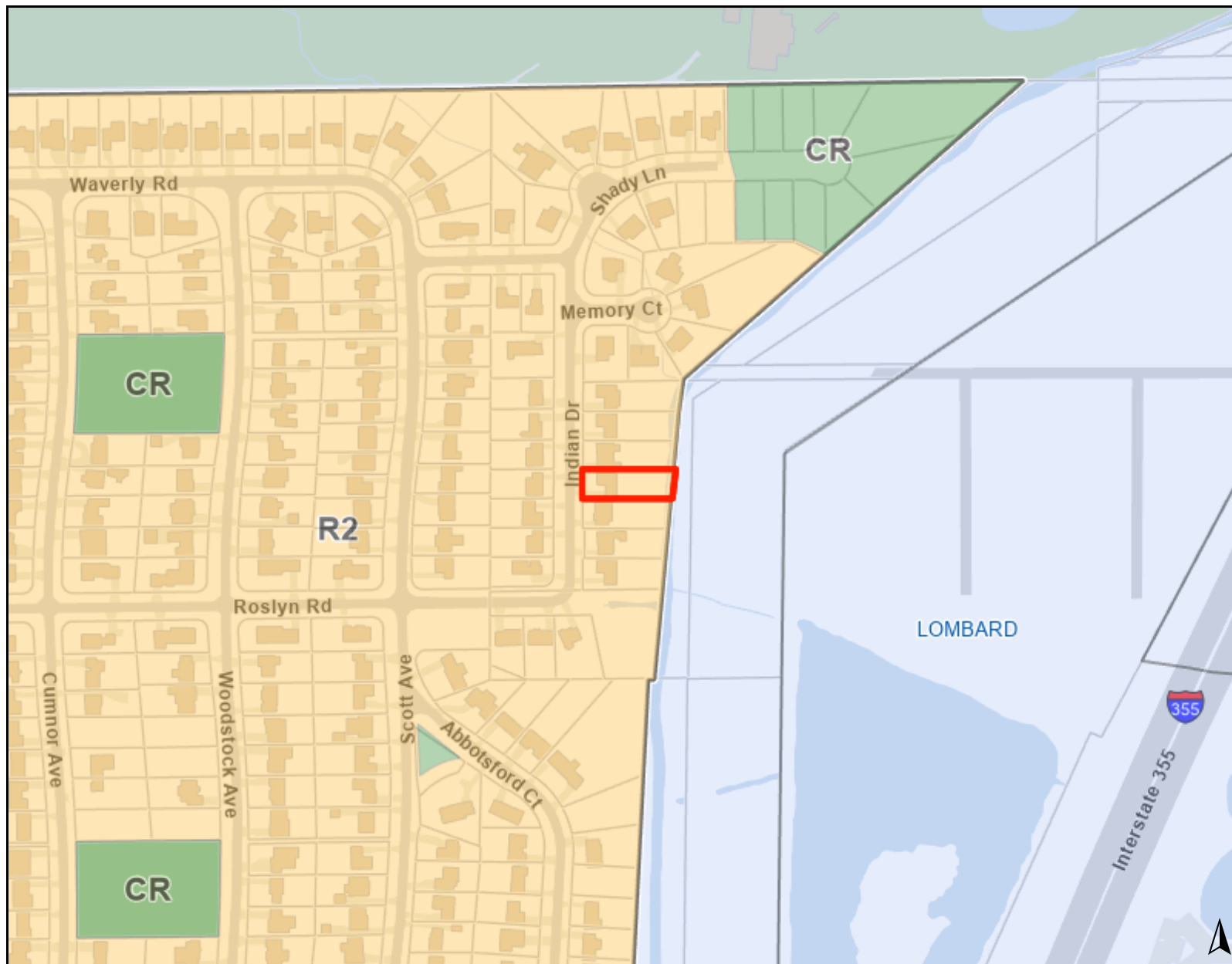
0 150 300
ft

Print Date: 8/17/2021

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.

GIS Consortium | 333 Indian Drive Zoning Map



Legend

Zoning and Development

Zoning

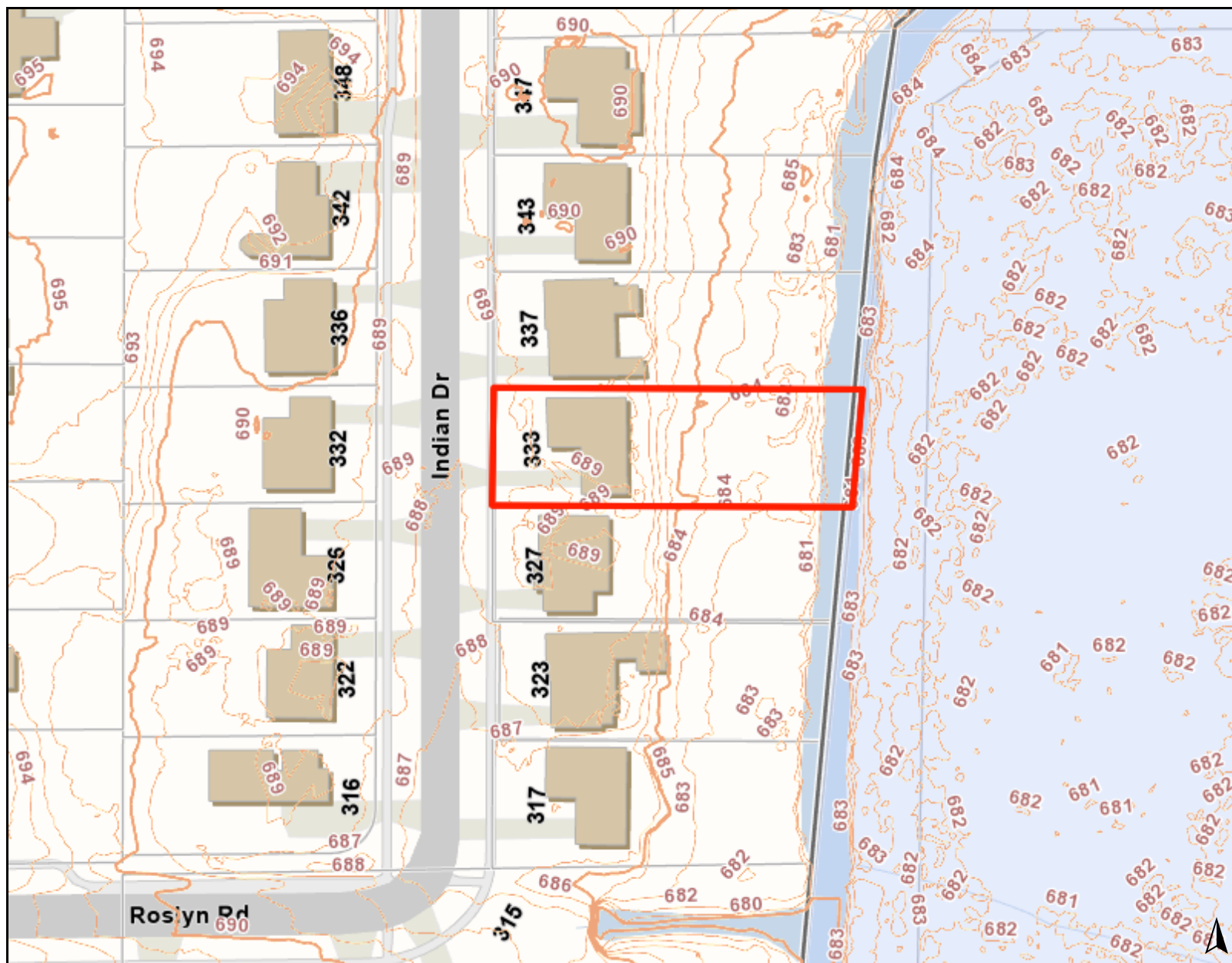
- CR: Conservation/Recreation
- R2: Single Family Residential District

0 500 1000
ft

Print Date: 8/17/2021

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.

**Legend**

DuPage County

DuPage County 1' 2017 Contours

— Contour Line, Intermediate

— Contour Line, Major

0 150 300
ft

Print Date: 8/17/2021

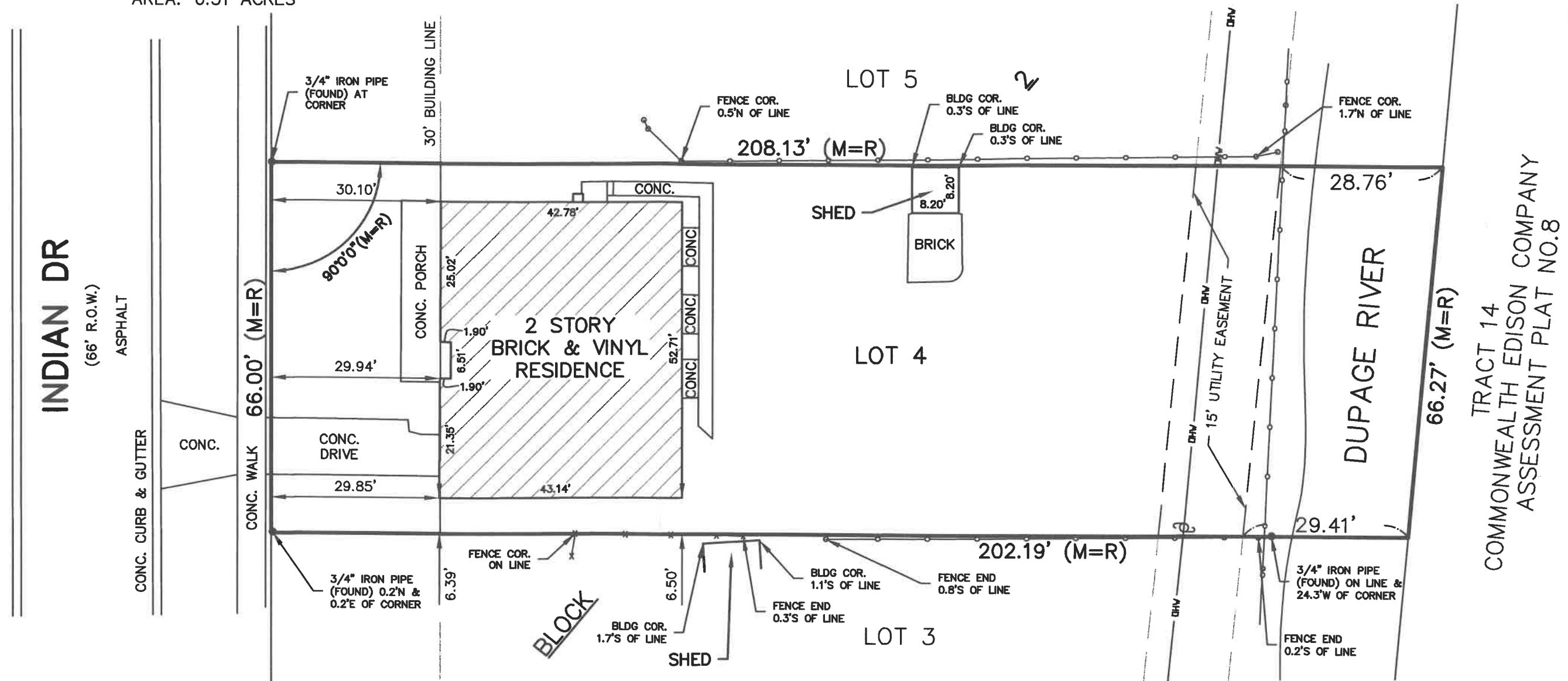
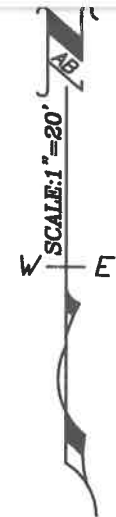
Notes

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.

PLAT OF SURVEY

LOT 4 IN BLOCK 2 IN ANKO'S RESUBDIVISION, BEING A RESUBDIVISION OF LOTS 1, 2, 3, AND PART OF LOT 4 IN WAVERLY ROAD ESTATES, A SUBDIVISION OF LOTS 18 AND 20 IN SURGES FARM OWNERS ASSESSMENT PLAT OF PART OF SECTIONS 12 AND 13, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID ANKO'S RESUBDIVISION RECORDED SEPTEMBER 3, 1955 AS DOCUMENT 771853 AND CERTIFICATE OF CORRECTION FILED SEPTEMBER 23, 1955 AS DOCUMENT 774493, IN DUPAGE COUNTY, ILLINOIS.

ADDRESS: 333 INDIAN DRIVE
PIN: 05-13-202-019
AREA: 0.31 ACRES



Norbert V. Lambert Jr
2020.10.29 17:18:45 --5

STATE OF ILLINOIS } S.S.
COUNTY OF DU PAGE }
THIS IS TO CERTIFY THAT I, AN ILLINOIS LAND SURVEYOR, HAVE SURVEYED THE PROPERTY DESCRIBED ABOVE AND THAT THE ANNEXED PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY.
FIELD WORK COMPLETION DATE: 10/26/2020.
THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.
GIVEN UNDER MY HAND AND SEAL AT WHEATON, ILLINOIS, THIS 28TH. DAY OF OCTOBER, A.D., 2020.
ILLINOIS LAND SURVEYOR NO. 1863; LICENSE EXPIRES 11/30/20
ILLINOIS DESIGN FIRM NO. 184-007260
REFER TO DEED OF GUARANTEE POLICY FOR RESTRICTIONS NOT SHOWN ON SURVEY.
ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF. COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY APPARENT DISCREPANCIES TO THE SURVEYOR.

SYMBOL LEGEND	
	UTILITY POLE

LINE LEGEND	
	WIRE FENCE
	CHAINLINK FENCE
	OVERHEAD WIRES

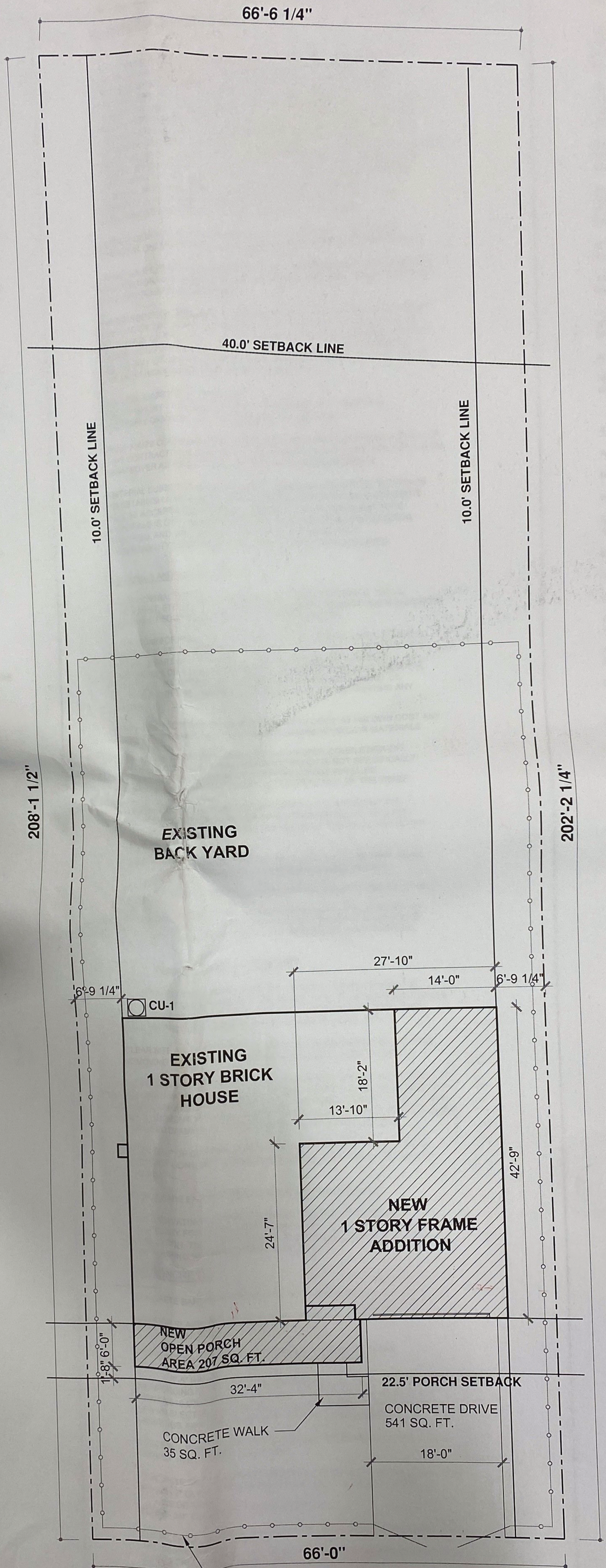
LEGEND
(M) = MEASURED DIMENSION
(R) = RECORD DIMENSION
● = FOUND IRON STAKE
○ = SET IRON STAKE

ORDERED BY: GATALO, VLADIMIR FILE NO. 20-1085

LAND SURVEYING AND CIVIL ENGINEERING

LAMBERT & ASSOCIATES
933 W. LIBERTY DR
WHEATON, IL 60187
P: (630)653-6331
F: (630)653-6396
E: INFO@LAMBERTSURVEY.COM

LAND TECHNOLOGY
980 EAST OAK ST #3
LAKE IN THE HILLS, IL 60156
P: (815)363-9200
F: (815)363-9223
E: LANDTECH@LT-PE.COM



PROVIDE 6 FT HIGH
CONSTRUCTION SAFETY FENCE
W/ GATE
2' HIGH SILT FENCE AROUND AREA OF
EXCAVATION



SITE PLAN

SCALE: 3/32"=1'-0"





From: Kelly Purvis
Sent: Wednesday, July 21, 2021 5:23 PM
To: Vladimir Gatalo
Cc: Atrin Khodadadi Fard; Tatiana Fefilova
Subject: RE: 333 Indian - Construction Necessitated Zoning Variation Application

Good evening,

I received your below email and the voicemail that you left today. I have been out of the office the last week and playing catch up a bit today. We do have what we need from you at this point. I will discuss the project with our new Planner, Atrian Fard (copied on this email) and get her up to speed. We will aim to have the construction necessitated variation request on the August 24, 2021 Zoning Board of Appeals agenda. If you have any further questions please feel free to let us know. I will be out of the office tomorrow, but will return on Friday.

Best,

Kelly Purvis, AICP

Planning Manager | Community Development Department
Village of Glen Ellyn | 535 Duane Street Glen Ellyn, IL 60137
Ph: 630-547-5371 | kpurvis@glenellyn.org

From: Vladimir Gatalo [<mailto:vladimir.gatalo@gmail.com>]
Sent: Thursday, July 15, 2021 9:08 PM
To: Kelly Purvis <kpurvis@glenellyn.org>
Subject: Re: 333 Indian - Construction Necessitated Zoning Variation Application

Hi Kelly,

I am owner of this property and I am working like a general contractor. These quotes have been provided by me. We should talk by phone for details. I was trying to reach you and figured out you'll be back in the office next week. Please call me. My phone number 630- 205- 3905.

Sincerely,

Vladimir

On Tue, Jul 13, 2021, 8:09 AM Kelly Purvis <kpurvis@glenellyn.org> wrote:

Vladimir,

Thank you for sending over this email. Could you please have the company that provided the quote put this in writing. We will need to attach this to the staff report for the variation.

I am copying Atrian Fard, our new planner. She will be assisting you with taking the variation through the process. We would like to have the quote by the end of the week, so we can get a public notice out and schedule this for the August 10, 2021 ZBA meeting.

Thanks,

Kelly Purvis, AICP

Planning Manager I Community Development Department

Village of Glen Ellyn I 535 Duane Street Glen Ellyn, IL 60137

Ph: 630-547-5371 I kpurvis@glenellyn.org

From: Vladimir Gatalo [mailto:vladimir.gatalo@gmail.com]

Sent: Monday, July 12, 2021 8:46 PM

To: Kelly Purvis <kpurvis@glenellyn.org>

Cc: Tatiana Fefilova <tatiana.fefilova5@gmail.com>

Subject: Re: 333 Indian - Construction Necessitated Zoning Variation Application

Hi Kelly,

Estimate of what it would cost for us -- from \$47000 to \$60000 plus 40% increase of price on lumber.

Thanks,

Vladimir Gatalo

On Tue, May 18, 2021, 2:35 PM Kelly Purvis <kpurvis@glenellyn.org> wrote:

I have received the existing conditions photos and proof of ownership. The only thing I need to move the request forward to the Zoning Board of Appeals is an estimate of what it would cost to make the addition compliant with the Village's Code. So, a quote for the work to remove approximately .11 feet of the addition is all that is needed.

Thanks,

Kelly Purvis, AICP

Planning Manager | Community Development Department

Village of Glen Ellyn | 535 Duane Street Glen Ellyn, IL 60137

Ph: 630-547-5371 | kpurvis@glenellyn.org

From: Tatiana Fefilova [mailto:tatiana.fefilova5@gmail.com]

Sent: Sunday, May 16, 2021 6:37 PM

To: Kelly Purvis <kpurvis@glenellyn.org>

Subject: Fwd: 333 Indian - Construction Necessitated Zoning Variation Application

FYI....

Proof of Ownership, please see the attached document.

Thanks,

Tatiana Fefilova

630-359-1215

tatiana.fefilova5@gmail.com

----- Forwarded message -----

From: **Vladimir Gatalo** <vladimir.gatalo@gmail.com>

Date: Sun, May 16, 2021 at 6:02 PM

Subject: Fwd: 333 Indian - Construction Necessitated Zoning Variation Application

To: Tatiana Fefilova <tatiana.fefilova5@gmail.com>

----- Forwarded message -----

From: **Kelly Purvis** <kpurvis@glenellyn.org>

Date: Sat, May 15, 2021, 5:58 PM

Subject: 333 Indian - Construction Necessitated Zoning Variation Application

To: vladimir.gatalo@gmail.com <vladimir.gatalo@gmail.com>, TFefilova@smithfield.com <TFefilova@smithfield.com>

Cc: Steve Witt <switt@glenellyn.org>, Laura Tisinai <ltisinai@glenellyn.org>, Richard Czajkowski <rczajkowski@glenellyn.org>, Brian Beck <bbeck@glenellyn.org>

Citrix Attachments

Expires November 11, 2021

2021-2-17 Review.pdf	1.4 MB
2021-2-25 Follow up.pdf	2.7 MB
2021-3-8 Review.pdf	1.1 MB
333 Indian CNZV - Final Notice - 5-17-2021.pdf	140 KB
Plat of Survey.pdf	173.1 KB

Download Attachments

Kelly Purvis uses Citrix Files to share documents securely.

Good evening,

I am following up regarding the Construction Necessitated Zoning Variation Application that was supposed to be submitted to the Village on or before March 17, 2021. We have provided several extensions for the remaining information to be submitted. Please be advised, this will be final request before enforcement action is taken. You will receive a hard copy of the letter by mail as well.

Should you have any questions about the required submittals noted in the attached letter, please feel free to contact me.

Regards,

Kelly Purvis, AICP

Planning Manager | Community Development Department

Village of Glen Ellyn | 535 Duane Street Glen Ellyn, IL 60137

Ph: 630-547-5371 | kpurvis@glenellyn.org



NOTICE OF PUBLIC HEARING

Vladimir Gatalo, owner of the property at 333 Indian Drive, is requesting a public hearing for a zoning variation in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code. Before the Glen Ellyn Village Board can consider this request, the Glen Ellyn Zoning Board of Appeals must conduct a public hearing. The Zoning Board of Appeals will conduct a public hearing on **Tuesday, August 24, 2021** at 7:00 p.m. in the Galligan Board Room of the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Anyone is welcome to attend.

The property owners are requesting approval of a construction necessitated variation from the Glen Ellyn Zoning Code as follows:

1. Section 10-4-8(D)(1)(a) to allow an existing addition to be approximately 29.85' from the west, front lot line where a front yard setback of 30' is required in the R2 Residential District;
2. Section 10-4-8(D)(1)(b) to allow an existing addition to be approximately 1' closer to the street than the closest principal structure immediately to the south where a principal structure (or addition thereto) is required be no closer to the street than the closest principal structure on either adjacent lot on the same block and same side of the street in the R2 Residential District;
3. Section 10-4-8(D)(3) to allow an existing addition to be approximately 6.39' from the south interior side lot line where an interior side yard setback of approximately 6.6' is required in the R2 Residential District; and
4. Any other zoning relief necessary to allow the home to remain as constructed and as depicted on the plans presented at the public hearing or at a public meeting of the Village Board.

The property is zoned R2, Residential District, and is legally described as follows:

LOT 4 IN BLOCK 2 IN ANKO'S RESUBDIVISION, BEING A RESUBDIVISION OF LOTS 1, 2, 3, AND PART OF LOT 4 IN WAVERLY ROAD ESTATES, A SUBDIVISION OF LOTS 18 AND 20 IN SURGES FARM OWNERS ASSESSMENT PLAT OF PART OF SECTIONS 12 AND 13, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID ANKO'S RESUBDIVISION RECORDED SEPTEMBER 3, 1955 AS DOCUMENT 771853 AND CERTIFICATE OF CORRECTION FILED SEPTEMBER 23, 1955 AS DOCUMENT 774493, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-13-202-019

Plans are on file in the Community Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois and can be requested by contacting Atrian Fard, Planner at CIVIC CENTER 535 DUANE STREET GLEN ELLYN, IL 60137 630.469.5000 FAX 630.469.8849



afard@glenellyn.org. All public comments received by 4:30 pm on Tuesday, August 24, 2021 will be read into the record at the public hearing. For individuals with disabilities who have questions regarding the accessibility of the meeting or facilities, contact Brian Baltudis, ADA Coordinator, at (630) 469-5000.

NOTICE OF PUBLIC HEARING

Vladimir Gafalo, owner of the property at 333 Indian Drive, is requesting a public hearing for a zoning variation in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code. Before the Glen Ellyn Village Board can consider this request, the Glen Ellyn Zoning Board of Appeals must conduct a public hearing. The Zoning Board of Appeals will conduct a public hearing on **Tuesday, August 24, 2021 at 7:00 p.m.** in the Galligan Board Room of the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Anyone is welcome to attend.

The property owners are requesting approval of a construction necessitated variation from the Glen Ellyn Zoning Code as follows:

1. Section 10-4-8(D)(3) to allow an existing addition to be approximately 6.39' from the south interior side lot line where an interior side yard setback of approximately 6.6' is required in the R2 Residential District; and

2. Any other zoning relief necessary to allow the home to remain as constructed and as depicted on the plans presented at the public hearing or at a public meeting of the Village Board.

The property is zoned R2, Residential District, and is legally described as follows:

LOT 4 IN BLOCK 2 IN ANKO'S RESUBDIVISION, BEING A RESUBDIVISION OF LOTS 1, 2, 3, AND PART OF LOT 4 IN WAVERLY ROAD ESTATES, A SUBDIVISION OF LOTS 18 AND 20 IN SURGES FARM OWNERS ASSESSMENT PLAT OF PART OF SECTIONS 12 AND 13, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID ANKO'S RESUBDIVISION RECORDED SEPTEMBER 3, 1955 AS DOCUMENT 771853 AND CERTIFICATE OF CORRECTION FILED SEPTEMBER 23, 1955 AS DOCUMENT 774493, IN DUPAGE COUNTY, ILLINOIS. P.I.N.: 05-13-202-019

Plans are on file in the Community Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois and can be requested by contacting Atrian Fard, Planner at afard@glenellyn.org. All public comments received by 4:30 pm on Tuesday, August 24, 2021 will be read into the record at the public hearing. For individuals with disabilities who have questions regarding the accessibility of the meeting or facilities, contact Brian Baltudis, ADA Coordinator, at (630) 469-5000.

Published in Daily Herald August 6, 2021 (4568225)

RECEIVED

AUG 16 2021

VILLAGE OF GLEN ELLYN

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

DuPage County

Daily Herald

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

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

County(ies) of DuPage

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

I further certify that the DuPage County DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 08/06/2021 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

Designee of the Publisher and Officer of the Daily Herald

Control # 4568225



**Forest Preserve District
of DuPage County**

35580 Naperville Road
P.O. Box 5000
Wheaton, IL 60189

630.933.7200
Fax 630.933.7204
TTY 800.526.0857
dupageforest.org

Via email: Kpurvis@glenellyn.org

August 11, 2021

Gregory Constantino, Chair
Zoning Board of Appeals
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, IL 60137

Re: Public Hearing - 333 Indian Drive – Variation Requests
PIN: 05-13-202-019

Dear Mr. Constantino,

The Forest Preserve District of DuPage County recently received a Notice of Public Hearing regarding a petition by Vladimir Gatulo requesting approval of variances in order to allow the home on the aforementioned property to remain as constructed. We appreciate receiving timely notification of such requests that may have an impact on District property and thank you for the opportunity to comment.

District Staff has reviewed the information provided and does not have any comments. Please do not hesitate to call me at (630) 933-7235 if you have any questions.

Sincerely,

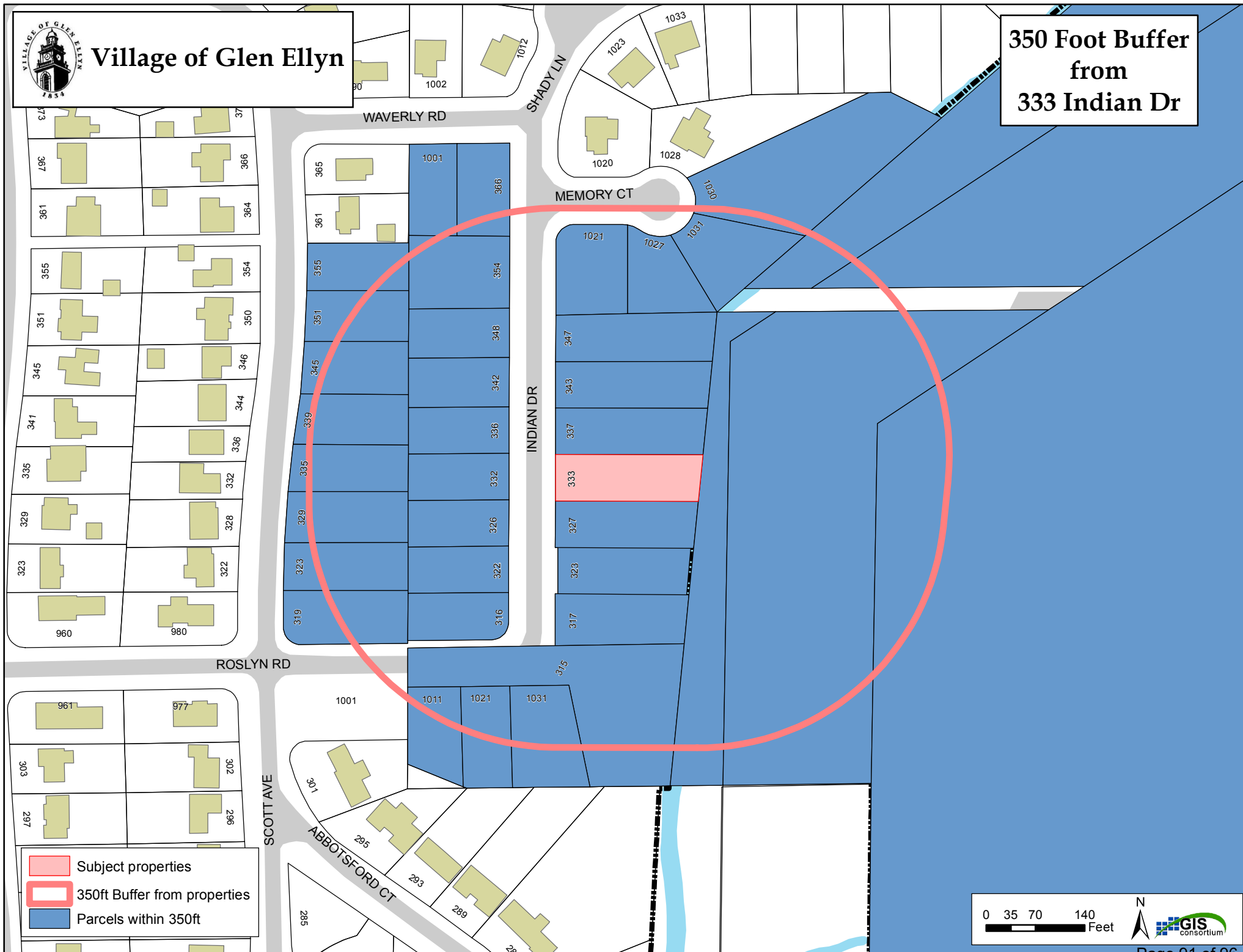
Kevin Stough
Land Preservation Manager

cc: Dan Zinnen, Director of Resource Management and Development



Village of Glen Ellyn

350 Foot Buffer
from
333 Indian Dr



333 Indian Deive Address List

Name	Street #	St. Dir.	Street Name	Apt. #	City	State	Zip
720 Annoreno Building	865	W	Irving Park Rd		Itasca	IL	60143
Bennett, Jennifer A	339		Scott Ave		Glen Ellyn	IL	60137
Breeser, James J	355		Scott Ave		Glen Ellyn	IL	60138
Brown, Ryan & Catherine	1011		Roslyn		Glen Ellyn	IL	60137
Carroll, Patrick & K	332		Indian Dr		Glen Ellyn	IL	60137
Commonwealth Edison Co	3		Lincoln Centre	4Th Fl	Oakbrook Terr	IL	60181
Conforti, Nicoletta	323		Scott Ave		Glen Ellyn	IL	Sent
Conger, Gertrude T	326		Indian Dr		Glen Ellyn	IL	60137
Demarco, Joseph & Deanna	319		Scott Ave		Glen Ellyn	IL	60137
Durkin, Janis	317		Indian Dr		Glen Ellyn	IL	60137
Forest Preserve District			Po Box 5000		Wheaton	IL	60189
Gatalo, V & T Fefilova	333		Indian Dr		Glen Ellyn	IL	60137
Gertzen, Jason	316		Indian Dr		Glen Ellyn	IL	60137
Gerue, Nicolette	1027		Memory Ct		Glen Ellyn	IL	60137
Hammen, Douglas	354		Indian Dr		Glen Ellyn	IL	60137
Jamrok, Thomas & Judith	1021		Memory Ct		Glen Ellyn	IL	60137
Kline, Steven & Tracy	1030		Memory Ct		Glen Ellyn	IL	60137
Lawless, Amy I	366		Indian Dr		Glen Ellyn	IL	60137
Masse, Julia	336		Indian Dr		Glen Ellyn	IL	60137
Meyers, Sarah & Jeffrey	1031		Roslyn Rd		Glen Ellyn	IL	60137
Peterson, Ryan	342		Indian Dr		Glen Ellyn	IL	60137
Powell, Boone J & Angela	351		Scott Ave		Glen Ellyn	IL	60137
Powell, Megan	335		Scott Ave		Glen Ellyn	IL	60137
Resource Bancshares Mtg			Po Box 7126		Columbia	SC	29202
Rosenwinkel, John & Cinda	1031		Memory Ct		Glen Ellyn	IL	60137
Savarese, Gregory & Nicole	345		Scott Ave		Glen Ellyn	IL	60137
Sprovieri, Joseph & T	348		Indian Dr		Glen Ellyn	IL	60137
Tegtmeier, G & R Swanson	327		Indian Dr		Glen Ellyn	IL	60137
Tellinghuisen, Joel	1001		Waverly Rd		Glen Ellyn	IL	60137
Thomas, Daniel S	323		Indian Dr		Glen Ellyn	IL	60137
Tracy, Michael R & P	1021		Roslyn Rd		Glen Ellyn	IL	60137
Van Ek, Jeremy & Kathy	329		Scott Ave		Glen Ellyn	IL	60137
Village Of Glen Ellyn	535		Duane St		Glen Ellyn	IL	60137
Wagner, Susan M	337	N	Indian Dr		Glen Ellyn	IL	60137
Wohlfarth, Robert	322		Indian Dr		Glen Ellyn	IL	60137

DRAFT "MOTION" TO RECOMMEND APPROVAL OF
A ZONING VARIATION FOR 333 INDIAN DRIVE

Having considered the application of Vladimir Gatalo, owner of the property located at 333 Indian Drive, Glen Ellyn, for the following construction necessitated zoning variations: from Section 10-4-8(D)(1)(a) to allow an existing addition to be approximately 29.85' from the west, front lot line where a front yard setback of 30' is required, from Section 10-4-8(D)(1)(b) to allow an existing addition to be approximately 1' closer to the street than the closest principal structure immediately to the south where a principal structure (or addition thereto) is required be no closer to the street than the closest principal structure on either adjacent lot on the same block and same side of the street, and from Section 10-4-8(D)(3) to allow an existing addition to be approximately 6.39' from the south interior side lot line where an interior side yard setback of approximately 6.6' is required, all in the R2 Residential District as depicted on the plans presented or revised at the public hearing, 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 August 24, 2021, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL of the requested zoning variations from the Glen Ellyn Zoning Code due to the following hardship(s) or unique circumstance(s):

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 August 24, 2021 public hearing of the Zoning Board of Appeals.
2. _____.
3. _____.
4. _____.

Motion by: _____ Seconded by: _____

DRAFT "MOTION" TO RECOMMEND DENIAL OF
A ZONING VARIATION FOR 333 INDIAN DRIVE

Having considered the application of Vladimir Gatalo, owner of the property located at 333 Indian Drive, Glen Ellyn, for the following construction necessitated zoning variations: from Section 10-4-8(D)(1)(a) to allow an existing addition to be approximately 29.85' from the west, front lot line where a front yard setback of 30' is required, from Section 10-4-8(D)(1)(b) to allow an existing addition to be approximately 1' closer to the street than the closest principal structure immediately to the south where a principal structure (or addition thereto) is required be no closer to the street than the closest principal structure on either adjacent lot on the same block and same side of the street, and from Section 10-4-8(D)(3) to allow an existing addition to be approximately 6.39' from the south interior side lot line where an interior side yard setback of approximately 6.6' is required, all in the R2 Residential District as depicted on the plans presented or revised at the public hearing, the Zoning Board of Appeals hereby recommends DENIAL of the requested zoning variations from the Glen Ellyn Zoning Code based upon the following findings of fact:

(Staff note: The ZBA may choose to approve some parts of the request and not others.)

(Choose one or more of the following):

A. That the plight of the owners is not due to a unique circumstance or a particular hardship;

B. That the variations, if granted, will alter the essential character of the locality because:

_____;

C. That the conditions upon which the variations are based would be applicable generally to other property within the same zoning district because:

_____;

D. That the purpose of the variations is based exclusively upon a desire to make more money out of the property since the applicants intend to:

_____;

E. That the practical difficulty or particular hardship has been created by persons presently having an interest in the property because:

F. That the variations will 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:

G. That the variations will substantially increase the hazard from fire or other dangers to said property and otherwise impair the public health, safety, or general welfare of the inhabitants of the Village since:

H. That the variations will diminish or impair property values within the neighborhood since:

I. That the variations will unduly increase traffic congestion in the public streets and highways since:

J. That the variations will result in an increase in public expenditures or create a nuisance since:

K. That the variations are not the minimum variations that will make possible the reasonable use of the land, building or structure.

Motion by: _____ Seconded by: _____