

AGENDA
Glen Ellyn Zoning Board of Appeals Meeting
Tuesday, November 9, 2021, 7:00 p.m.
Glen Ellyn Civic Center
535 Duane Street



A. Approval of the Draft Minutes from the ZBA Meeting August 24, 2021.

B. Public Hearing. 333 Indian Drive -

Vladimir Gatalo, owner of the property at 333 Indian Drive is requesting a construction necessitated variation from the Zoning Code to allow an existing addition which encroaches into the front and side yard setbacks to remain on the property.

C. Village Board Trustee Report.

D. Chairman's Report.

E. Staff Report.

F. Other Business and Adjourn.

Dear Petitioner(s) and Interested Citizens:

Once a variation request has been heard by the Zoning Board of Appeals, the Board may make a recommendation and minutes of the hearing are prepared. The variation, along with the minutes, summary report and all related material, is submitted for consideration by the Village Board at a regularly scheduled Village Board meeting. The Village Board meets in the Board Room on the third floor of the Civic Center, 535 Duane Street. To confirm exact times and dates for Village Board consideration of a project, please call 630-547-5241.

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 (630) 469-5000.

cc: ZBA 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
 Taylor Gendel, Associate Planner
 Lori Gloude, Administrative Assistant
 Mark Franz, Village Manager
 Emily Rodman, Assistant Village Manager
 Brian Baltudis, Facilities Manager

DRAFT MINUTES
ZONING BOARD OF APPEALS
August 24, 2021

The meeting was called to order by ZBA Chairperson Gregory Constantino at 7:02 p.m. Zoning Board of Appeals Members Michelle Covington, Matt Jones, Chip Miller and Tom Whalls were present. ZBA Member Katie Crudele and ZBA Member Reed Panther were excused. Also present were Planner Atrian Fard, Planning Manager Kelly Purvis, Trustee Liaison Anne Gould and Recording Secretary Lindsey Kaminsky.

Chairperson Constantino explained the procedures of the Zoning Board of Appeals (ZBA) and stated tonight's meeting is called pursuant to notice by statute that was published in the Daily Herald on August 6, 2021 (480 Cottage Avenue) and August 10, 2021 (333 Indian Drive), and all property owners affected by the variations being requested were notified by mail.

MINUTES

ZBA Member Whalls moved, seconded by ZBA Member Covington, to approve the minutes of the June 22, 2021 meeting. The motion was carried with a voice vote.

On the agenda were public hearings regarding the properties located at 480 Cottage Avenue and 333 Indian Drive.

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 Miller and seconded by ZBA Member Whalls to open the public hearing for 480 Cottage Avenue at 7:06 p.m. The motion was carried with a voice vote.

PUBLIC HEARING – 480 COTTAGE AVENUE

PETITIONER PETER A. HOLLOWED IS REQUESTING A RECOMMENDATION OF APPROVAL OF THE FOLLOWING VARIATION FROM THE GLEN ELLYN ZONING CODE: 1. 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 OF THE PROPERTY; 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.

(Peter A. Hollowed, owner of the property located at 480 Cottage Avenue).

Staff Presentation

Planner Fard and Planning Manager Purvis were present to speak regarding the proposed variation request and were sworn in.

Planner Fard stated the 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. The subject property, 480 Cottage Avenue, is an interior lot on the north side of Cottage Avenue and is located between North Main Street and Pleasant Avenue. The subject property and all surrounding properties are zoned R2 – Single Family Residential District and are all improved with single family homes.

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

1. 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.

Planner Fard stated the Village has no record of any prior variations being granted for the subject property.

Planner Fard stated for many years, the homeowners at 480 Cottage Avenue (subject property) and the adjacent property to the east, 482 Cottage Avenue, have had a 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 on the west portion of the shared driveway (480 Cottage) was finished with concrete, with the east side was originally surfaced with gravel and then replaced with asphalt.

Planner Fard stated the property owners hired a contractor to replace both driveways. On June 15, 2020, the contractor 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 Avenue) 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 located at 482 Cottage Avenue, so that portion of the driveway was illegal and non-conforming. In an attempt to remove the non-conforming encroachment, staff advised the construction company to build the new driveway on 482 Cottage Avenue up to the common property line (not to the full

extend that the prior asphalt driveway had been constructed). This action led to a narrow triangular gap along the east side of the 480 Cottage Avenue property.

Planner Fard stated on June 29, 2021, staff notified the contractor that the driveway at 480 Cottage Avenue may be replaced in the location of the existing concrete driveway, 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 24, 2020, the Village performed a final inspection and recognized that the new concrete driveway for 480 Cottage Avenue was expanded and now extends up to the property line, where an impervious surface setback of 0.91 feet is required.

Planner Fard stated when staff inquired, the homeowner indicated that he was not informed about the permit conditions by the contractor until after the project was complete. Per the homeowner's narrative, 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 the 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.

Planner Fard stated 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.

Planner Fard stated on April 8, 2021, the petitioner provided a letter from the immediately adjacent property owner to the east (482 Cottage Avenue) supporting the requested construction necessitated variation.

Planner Fard stated the petitioner is proposing to maintain the concrete driveway in its existing location, up to the property line. 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.

Questions from the Zoning Board of Appeals

ZBA Chairperson Constantino asked if there are any drainage concerns. Planner Fard stated there are no negative impacts on the drainage compared with what existed before the improvements and noted there are no significant changes to the drainage on the property.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation was Peter A. Hollowed, owner of the property located at 480 Cottage Avenue. Mr. Hollowed stated their neighbor stated they had plans to replace their driveway, which is why they also decided to replace their driveway at the same time. Mr. Hollowed stated the concrete on the driveway was original to the house, and noted it was broken and caused drainage and safety issues. Mr. Hollowed stated they hired a contractor to obtain the required Village permits. Mr. Hollowed stated months after the project was complete, the contractor informed him the project failed the final inspection due to the gap/wedge shaped piece being filled in. Mr. Hollowed noted the Village did not notify him of the zoning issue and the issue was only communicated with the contractor. Mr. Hollowed stated he believes the variation should be granted because the driveway is visually pleasing as-is, there is improved drainage for both neighbors, the size of the driveways are very narrow and taking out the gap/wedge would lead to dangerous conditions including a tripping hazard.

Additional Questions from the Zoning Board of Appeals

ZBA Member Miller asked if the blacktop (neighbor's driveway) reached their driveway. Mr. Hollowed confirmed this. ZBA Member Miller stated the neighbor's driveway was encroaching on the Hollowed's property.

ZBA Member Miller asked if Mr. Hollowed works in the construction field. Mr. Hollowed stated he does not.

ZBA Member Miller asked why the cost estimate to resolve the zoning issue is not from the original contractor. Mr. Hollowed stated he reached out to the original contractor, but they did not respond.

ZBA Member Covington asked if the contractor did not share the information regarding the zoning issue with Mr. Hollowed. Mr. Hollowed stated he did not get any communication regarding the zoning issue until he was told the driveway failed the final inspection. Mr. Hollowed stated he had hired the contractor to replace the driveway, and did not think to ask about the plans/permit conditions. Mr. Hollowed stated if he was notified prior to completing the work, he would have requested a zoning variation rather than a construction necessitated zoning variation.

ZBA Chairperson Constantino asked if the new driveways fix the previous encroachment issue. Mr. Hollowed stated this issue is fixed and the driveways are connected at the property line.

ZBA Chairperson Constantino asked if the neighbor is content with the current driveways. Mr. Hollowed stated their neighbors are happy with the driveway and they do not want to change them.

Persons in Favor of or in Opposition to the Variation Requests

None.

Findings of Fact

ZBA Member Jones stated the following findings of fact: the 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. The subject property, 480 Cottage Avenue, is an interior lot on the north side of Cottage Avenue and is located between North Main Street and Pleasant Avenue. The subject property and all surrounding properties are zoned R2 – Single Family Residential District and are all improved with single family homes. The petitioner is requesting a recommendation of approval of the following variation from the Glen Ellyn Zoning Code: 1. 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.

ZBA Member Jones continued the findings of fact: the driveway was original to the home. 2 different properties shared the driveway, with the driveway at 482 Cottage Avenue encroaching on the property located at 480 Cottage Avenue. To remove the encroachment, a nonconforming triangular piece between the driveways was removed, which was not permitted by the Village Code. The petitioner stated the old driveways were in bad conditions and did not drain properly while the new driveways have improved the drainage and reduced safety concerns. The contractor did not respond to the homeowners' concerns about fixing the driveway to meet the Village Code. As replaced, the driveway does not meet the Village Zoning Code.

Motion

ZBA Member Whalls moved, seconded by ZBA Member Covington that the Zoning Board of Appeals recommend to approve the Findings of Fact. The motion was carried with a voice vote.

Additional Comments from the Zoning Board of Appeals

ZBA Member Miller stated he struggles with this request as it is a construction necessitated zoning variation. ZBA Member Miller also stated he would have expected the homeowner to look over the permits. ZBA Member Miller stated there was a pre-existing condition with the neighbor's driveway encroaching on their property. ZBA Member Miller also noted the permit that was approved was not followed.

ZBA Member Covington stated this is a challenging request because it is a construction necessitated zoning variation. ZBA Member Covington stated this request in particular has benefits including that the impervious surface was always there, and noted it fixes the gap/wedge which could create a possible hazard. ZBA Member Covington stated she is overall in favor of this request.

ZBA Member Jones stated he is in favor of this request. ZBA Member Jones stated he looks at construction necessitated zoning variations as if they came to the ZBA prior to the work being complete. ZBA Member Jones stated the homeowner is not responsible for this error, and noted the

homeowner hired a contractor to complete the work. ZBA Member Jones noted he is not happy with the contractor. ZBA Member Jones added if the request came to the ZBA prior the work being complete, he would have been in favor of that request. ZBA Member Jones noted this project replaces the existing hard surface and filling in the gap/wedge fixes a safety issues.

ZBA Member Whalls stated he is in favor of this request. ZBA Member Whalls stated there is no stormwater issues and noted filling in the gap/wedge fixes a safety issue.

ZBA Chairperson Constantino stated the ZBA does not like to see this many construction necessitated zoning requests. ZBA Chairperson Constantino stated it appears contractors should be the ones to be forgiven, especially when it is the homeowner that needs to come before the ZBA. ZBA Chairperson Constantino stated the encroachment issue has been fixed, the neighbor is happy, a safety issue has been fixed, and that this project will protect the integrity of the driveway materials. ZBA Chairperson Constantino also noted a minimal variation is being requested and that there are no stormwater concerns. ZBA Chairperson Constantino stated the driveways look better than before and noted that he is in favor of the request.

Motion

A motion was made by ZBA Member Covington and seconded by ZBA Member Whalls to close the public hearing for 480 Cottage Avenue at 7:43 p.m. The motion was carried with a voice vote.

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

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):

- The condition was preexisting with the neighbors block top driveway encroaching on the subject properties driveway
- The neighbor had a non-conforming driveway and did not previously have a permit issued for the driveway work
- The driveway, as is, creates safer conditions

Subject to the following conditions:

- 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
- No additional expansion to the driveway will be allowed

- The driveways existing conditions must be maintained

The motion was carried with 5 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington, ZBA Member Jones, ZBA Member Miller, ZBA Member Whalls.

A motion was made by ZBA Member Covington and seconded by ZBA Member Whalls to open the public hearing for 333 Indian Drive at 7:56 p.m. The motion was carried with a voice vote.

PUBLIC HEARING – 333 INDIAN DRIVE

PETITIONER VLADIMIR GATALO 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 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 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 RW RESIDENTIAL DISTRICT; 4. ANY OTHER ZONING RELIEF NECESSARY TO ALLOW THE HOME TO REMAIN AS CONSTRUCTED AND AS DEPICTED ON THE PLAN PRESENTED AT THE PUBLIC HEARING OR AT A PUBLIC MEETING OF THE VILLAGE BOARD

(Vladimir Gatalo, owner of the property located at 333 Indian Drive).

Staff Presentation

Planner Fard and Planning Manager Purvis were present to speak regarding the proposed variation request and were sworn in.

Planner Fard stated Vladimir Gatalo, owner of the subject property, is requesting a public hearing for a construction necessitated zoning variation for the property located at 33 Indian Drive. The subject property 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. 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.

Planner Fard stated 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; and
2. Section 10-4-8(D)(1)(b) to allow an existing addition to be approximately 1' closer to the street than the closet principal structure immediately to the south where a principal structure (or addition thereto) is required be no closer to the street than the closet principal structure on either adjacent lot on the same block and same side of the street in the R2 Residential District; and
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 plan presented at the public hearing or at a public meeting of the Village Board.

Planner Fard stated the Village has no record of any prior variations being granted for the subject property. The Village has the following permits being issued to the subject property: demolition/building a new residence (1955) and addition (2013).

Planner Fard stated 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.

Planner Fard stated 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 to Village that they prefer to pursue a zoning variation to legalize the new building addition.

Planner Fard stated 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.

Planner Fard stated 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 closet 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.

Planner Fard stated on August 11, 2021, Village staff received a letter from the Forest Preserve District of DuPage County, acknowledging receipt of timely notice of the requested construction necessitated variation.

Planner Fard stated 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. If the request is denied, the petitioner has provided a cost estimate of \$47,000 to \$60,000 plus 40% increase of material prices to bring the non-conforming addition into compliance.

Questions from the Zoning Board of Appeals

ZBA Member Covington stated there have been many permit extensions and asked if there were any changes in the Zoning Code since 2013. Planner Fard stated there have not been any changes regarding setbacks since 2013.

ZBA Member Covington asked why framing allowed when the concrete pour was not done correctly. Planner Fard stated there was a rough framing inspection which was approved and it was not inspected again until the final inspection.

ZBA Member Covington asked how the other two zoning issues were found. Planner Fard stated the variation on the south side of the house was originally presented to staff and noted when staff reviewed the request, they noticed the other two zoning issues. Planning Manager Purvis stated the other issues were found when staff reviewed the as built survey that was provided to the Village.

ZBA Member Covington asked if another contractor was able to provide a cost estimate to fix/resolve the zoning issue. Planner Fard stated no other estimate was received. ZBA Member Covington stated she would like to see a quote from a different contractor.

ZBA Member Whalls asked who completed the as built survey. Planner Fard stated it was completed by Lambert and Associates and noted it was completed after the work was complete in December 2020.

ZBA Member Whalls asked who the footing excavator was. Planner Fard stated staff does not have the information.

ZBA Chairperson Constantino stated the permit was approved and issued, and asked if the permit does not establish the setbacks. Planner Fard stated the petitioner did not complete the project as noted in the approved plans. Planning Manager Purvis stated the permit would not note all the required setbacks, and noted the permit was approved in conformance.

ZBA Member Miller asked if an inspection regarding the setback was complete during the building process. Planning Manager Purvis stated she has correspondence regarding this question, and could find it, if the ZBA would like.

ZBA Member Jones asked if the Village requires a survey of the buildings to be complete before construction continues. Planning Manager Purvis stated a spot survey is completed.

ZBA Member Jones stated he would like to see a change that requires a foundation/footing survey. Planning Manager Purvis stated staff will look into this idea.

ZBA Member Jones asked how accurate the survey is. Planner Fard stated the survey was completed by a licensed company, but noted it is possible errors have been made when completing the survey.

ZBA Member Jones asked if the Village completed measurements of the setbacks, or asked if staff is getting that information from the survey. Planner Fard stated staff is using the information from the survey. Planning Manager Purvis stated staff would not go measure the setbacks themselves.

A break was taken between 8:25 p.m. and 8:31 p.m. to allow Planning Manager Purvis to find emails from Building and Zoning Official Witt regarding this request.

Planning Manager Purvis read an email from Building and Zoning Official Witt regarding this request. The email from February 16, 2021 stated the project passed the foundation inspections but the passing of these inspections do not guarantee the foundation is installed in the correct location unless a follow-up foundation survey confirms the location with respect to property lines. The email also noted the inspectors are not surveyors and would not be able to accurately check the footings/foundation location while the work is in progress.

ZBA Member Covington asked how the Village handles a project that was not built to the site plan, but is in compliance with the Zoning Code. Planning Manager Purvis stated if the project is in compliance with the Zoning Code, there is no further action taken.

ZBA Member Jones asked if the project has received a final inspection. Planning Manager Purvis stated a final inspection will be completed when the project is complete.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation Vladimir Gatalo, owner of the property located at 333 Indian Drive.

Mr. Gatalo stated they had an inspection on the footing and foundation. Mr. Gatalo stated the survey was not complete when the foundation/footing was done. Mr. Gatalo stated due to financial reasons, after the foundation/footing was complete, they decided to complete the work on the garage and siding. Mr. Gatalo stated there was also an inspection prior to the drywall being installed. Mr. Gatalo stated the Village requested a plat of survey, which was provided.

Additional Questions from the Zoning Board of Appeals

ZBA Chairperson Constantino asked who prepared the building plans. Mr. Gatalo stated the plans were provided to the contractor, and noted he is currently not able to get in touch with the contractors. Mr. Gatalo stated the placement of the footings were measured from the current building location.

ZBA Chairperson Constantino asked if an architect was used. Mr. Gatalo confirmed a contractor was used.

ZBA Chairperson Constantino asked who prepared the location of the footings. Mr. Gatalo stated the contractor did.

ZBA Chairperson Constantino asked how did the contractor know where to put the foundation. Mr. Gatalo stated the plan had dimensions of the front and side yard.

ZBA Member Miller asked if the plans provided to the contractor/architect were the same ones provided to the Village. Mr. Gatalo confirmed they were.

ZBA Member Miller asked if Mr. Gatalo has the contractor's name/contact information. Mr. Gatalo stated he does not.

ZBA Member Jones asked how long until the project is complete. Mr. Gatalo stated 2-3 months.

ZBA Chairperson Constantino asked how the petitioner came up with the cost estimate to correct the non-compliance issue. Planner Fard stated the cost estimate was calculated by the petitioner.

ZBA Member Jones asked what Mr. Gatalo does for a living. Mr. Gatalo stated he works in construction.

ZBA Member Jones asked Mr. Gatalo if he feels like he has a good knowledge of what is required to complete for this project. Mr. Gatalo stated he does not have experience with concrete work.

Persons in Favor of or in Opposition to the Variation Requests

1. Planner Fard read a letter of support from the homeowners located at 343 Indian Drive.

2. Planner Fard read a letter of support from the homeowners located at 337 Indian Drive.

Findings of Fact

ZBA Member Jones stated the following findings of fact: 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. The subject property 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. 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. 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; and 2. Section 10-4-8(D)(1)(b) to allow an existing addition to be approximately 1' closer to the street than the closet principal structure immediately to the south where a principal structure (or addition thereto) is required be no closer to the street than the closet principal structure on either adjacent lot on the same block and same side of the street in the R2 Residential District; and 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 plan presented at the public hearing or at a public meeting of the Village Board. The Village has no record of any prior variations being granted for the subject property. The Village has the following permits being issued to the subject property: 1955, demolition/building a new residence; 2013, addition.

ZBA Member Jones continued the findings of fact: 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 to 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 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.

ZBA Member Jones continued the findings of fact: on August 11, 2021, Village staff received a letter from the Forest Preserve District of DuPage County, acknowledging receipt of timely notice of the requested construction necessitated variation. Two letters of support were submitted by the property owners located at 343 Indian Drive and 337 Indian Drive.

ZBA Member Jones continued the findings of fact: 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. If the request is denied, the petitioner has provided a cost estimate of \$47,000 to \$60,000 plus 40% increase of material prices to bring the non-conforming addition into compliance.

ZBA Member Jones continued the findings of fact: the home addition was enlarged compared to what was submitted to the Village. The Village completed an inspection which showed the setbacks to not meet the requirements of the Village Code. The concrete workers made a mistake on the installation of the foundation, which is why a variation is required. There have been no code changes regarding setbacks since 2013. 2 setback issues were missed by the inspectors that were later found during the final review. Village staff did not measure the property and they are using the survey submitted by Lambert and Associates. The final inspections checked for depth, not the final setbacks. The homeowner is serving as the general contractor and noted they measured the starting point of the setback from the home instead of the lot line.

Motion

ZBA Member Whalls moved, seconded by ZBA Member Jones that the Zoning Board of Appeals recommend to approve the Findings of Fact. The motion was carried with a voice vote.

Additional Comments from the Zoning Board of Appeals

ZBA Member Miller stated he can't find a way to approve this request. ZBA Member Miller stated the homeowner was the general contractor and noted the homeowner does not know who completed the concrete pour. ZBA Member Miller stated the project was not built to the approved plans and the homeowner can't explain why this issue occurred. ZBA Member Miller stated the project should not have been built this way.

ZBA Member Covington asked if the permit application requires contractor's information. Planning Manager Purvis stated it is required and the homeowner is listed as the contractor.

ZBA Member Covington stated this project is messy on both sides, and thinks the Village let this issue go too far. ZBA Member Covington stated she is not able to find any unique circumstances and stated she is not in favor of the request.

ZBA Member Jones stated this is a messy situation. ZBA Member Jones stated clearly mistakes have been made. ZBA Member Jones stated he would like to see another survey completed to confirm the information provided is correct. ZBA Member Jones stated he is not happy why they are here discussing this request and noted if it was built to plan, the ZBA would not be involved. ZBA Member Jones stated it feels as if they are not looking to grant a variation, rather it appears they are trying to help a homeowner fix a mistake. ZBA Member Jones stated this is a messy situation, and questions how to resolve this issue.

ZBA Member Whalls stated there are no stormwater issues and noted there is no opposition from neighbors. ZBA Member Whalls stated the variation being request is minimal. ZBA Member Whalls stated it appears a lot of people were involved in this issue. ZBA Member Whalls stated he is overall in favor of this request.

ZBA Chairperson Constantino stated this is another example of the increase of construction necessitation zoning variation requests. ZBA Chairperson stated the variations being requested are minimal. ZBA Chairperson Constantino stated there were issues with the inspections and timing and noted he believes the Village could have done a better job recognizing the footing issues. ZBA Chairperson Constantino stated there are no neighbor concerns. ZBA Chairperson Constantino noted the setback requests comply with the surrounding properties. ZBA Chairperson Constantino stated overall he is in favor of this request.

ZBA Member Jones stated he is in favor of this request.

Motion

A motion was made by ZBA Member Whalls and seconded by ZBA Member Covington to close the public hearing for 333 Indian Drive at 9:08 p.m. The motion was carried with a voice vote.

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

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):

- There are no stormwater concerns
- Several neighbors have voiced their support of the project
- Minimal variation is requested

The motion was carried with 3 "yes" votes and 2 "no" votes. The "yes" votes are as follow: ZBA Chairperson Constantino, ZBA Member Jones and ZBA Member Whalls. The "no" votes are as follow: ZBA Member Covington and ZBA Member Miller.

Staff Report

Planning Manager Purvis stated there are a few applications in the que, but there are currently no cases ready to be presented to the ZBA.

ZBA Chairperson Constantino stated he would like for staff to look for better guidelines regarding construction necessitated zoning variation requests and asked staff to look for other/better ways to work with these type of requests. Planning Manager Purvis stated staff is working on ways to make this process more streamlined, and noted staff is currently doing research. Planning Manager Purvis stated this will become more of a focus when the open vacancies in the planning staff are filled.

ZBA Member Whalls stated he would like to see the Village to complete a spot survey on foundation work. ZBA Member Whalls also stated he would like the Zoning Code to be reviewed regarding lot coverage ratios.

ZBA Chairperson Constantino stated he would like to see the Village complete a benchmark survey as well.

Planning Manager Purvis stated the Zoning Code needs work, and noted staff requested funds to hire a consultant to rewrite the Zoning Code for the 2022 budget. Planning Manager Purvis stated if approved, staff would invite architects and builders for input regarding Zoning Code changes. Planning Manager Purvis stated ultimately, the Plan Commission would vote on the proposed changes, but the ZBA can be involved in the process.

Trustee Liaison Report

Trustee Gould stated the latest construction necessitated zoning variations discussed by the ZBA were approved by the Village Board. Trustee Gould stated the Village Board had a long discussion regarding construction necessitated zoning variation request, and would like to complete a review of

the process. Trustee Gould stated the Village Board would like the ZBA's input on how to change the process.

Trustee Gould provided an update on the Roosevelt Road hotel purchase.

Trustee Gould provided an update on the Communication Relations Commission.

Adjournment

At 9:42 p.m. a motion was made by ZBA Member Whalls and seconded by ZBA Member Jones to adjourn the meeting. The motion was carried with a voice vote.

Lindsey Kaminsky
Recording Secretary

STAFF REPORT

TO: The Zoning Board of Appeals

FROM: Kelly Purvis, Planning Manager
Atrian Fard, Planner

DATE: October 27, 2021

SUBJECT: November 9, 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 three construction necessitated zoning variations 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 October 22, 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 ft² (0.20 acres)~13,641.59 ft²
(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
structure on adjacent lots on the same side
of the street)

29.85' actual
(closer than the closest
principal structure on adjacent
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.

As part of the inspection process, the petitioners were required to provide a foundation survey after the passage of footing inspection so that the Village could validate the exact location of the new addition with respect to the property lines. According to the Village records, the foundation survey was never submitted to the Village and therefore was not approved by the building inspectors. Yet, the petitioner continued the work and requested a backfill inspection a few days after the footing inspection. After construction on the addition was almost completed, on November 5, 2020, per the Village's

request, the homeowners submitted an updated plat of survey (dated October 29, 2020) that reflected the location of the new building addition. On November 6, 2020, the Village performed a foundation inspection and found that the home addition was expanded beyond what was permitted and encroached approximately 2.52 inches into the required south interior side yard setback of 6.6 feet. Consequently, the homeowners were informed of the need to either correct the encroachment to comply with this Code provision or file a Construction Necessitated Zoning Variation application. On January 12, 2020, the homeowner notified the Village that they prefer to pursue a Construction Necessitated 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. Attached to this staff report is the Registered Contractor Listing Sheet submitted with the permit application in 2013.

In August 2021, upon further review of the plat of survey submitted with the variation application, staff found that the new addition is also encroaching into the required front yard setback 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 the closest adjacent lot on the same block and same side of the street. These nonconformities triggered the second and third zoning variation requests previously listed.

PUBLIC HEARING SUMMARY:

On August 24, 2021, the Zoning Board of Appeals (ZBA) reviewed the existing conditions of the property, the location of the addition requiring variations and considered the testimony from the petitioner. The property owner stated that he hired a concrete contractor to prepare the location of the footings. He indicated that he is unable to get in touch with the contractor as he does not have their name and contact information. There were no members of the public at the meeting to speak in favor or against the request. However, two letters were submitted in support of the variation requests (attached).

The ZBA members were split as to whether there was a practical difficulty, hardship, or unique circumstance that was not self-created. Two of the five members in attendance found that the practical difficulty or particular hardship was mainly created by the petitioner because the plans of construction were not followed as permitted. The other three members noted that the requested variations are minimal, do not create stormwater concerns, and are supported/not opposed by neighbors.

After much deliberation, the ZBA voted 3 "yes" and 2 "no" on a motion to

recommend approval of the requested Construction Necessitated Zoning Variations resulting in a recommendation for denial. At the ZBA meeting, it was incorrectly stated that the vote resulted in a recommendation for approval to the Village Board. The Village Code and State Statute require a vote of a majority of the members of the board (regardless of how many members are present at the meeting), or 4 votes, to make a recommendation. Therefore, the motion to recommend approval failed, resulting in a recommendation for denial.

With the ZBA's recommendation for denial, the request went before the Village Board on October 11, 2021. Trustees inquired about the second-story addition while the petitioners were permitted by the Village to construct a one-story addition with a second-story attic area. The trustees also questioned the accuracy of the approved plat of survey, the unusual, elongated construction process, and whether the passed footing inspection could have been used to verify the location of the foundation. While one trustee expressed support for granting the requested variations, two trustees agreed that they did not have sufficient information to grant the variations due to the lack of clarity on the identity of the concrete contractor and the fact that the homeowner is unable to locate and disclose the contractor's contact information.

With 5 votes of "yes" and zero "no", the Village Board passed a motion to remand the request back to the Zoning Board of Appeals for further consideration. It was requested that all seven Zoning Board of Appeals members be present at the meeting to provide a clearer recommendation to the Village Board. It was also requested that a third-party quote be obtained to ascertain the cost to bring the addition back into compliance with the Code, should the variation be denied.

UPDATED

INFORMATION:

Based on the Village Board's direction, staff requested the petitioners provide the name and contact information of the concrete contractor who executed the foundation work for the building addition. In response, the petitioners claimed that they hired Frank Spacil, the owner of Spacil Construction Company, to place the building addition footings. Per Village records, Spacil Construction has never done any project within the Village, where he was registered as the contractor.

Staff directly contacted Frank Spacil to verify the petitioners' statement, but he did not recall working with petitioners. Staff requested that he reviews his company records to verify if he worked with them. Staff tried multiple times to reconnect with Mr. Spacil, but he was non-responsive to follow up calls and emails. To document the petitioners' statement, staff requested an Affidavit of Truth signed by the petitioner that confirms the name and contact information of the contractor and his involvement in the project for the concrete work (attached).

Per the Village Board's request, the petitioners provided a new cost estimate

from a third-party construction company, HJH Construction Co., in the amount of \$56,196 to set back the building addition from the required front and interior side yards. On November 3rd, 2021, the Village Building and Zoning Official also asked a construction contractor from United Home Builders to visit the project site and provide another quote to correct the encroaching portion of the addition. On November 4th, the United Home Builders submitted the cost estimate of \$35,000 to \$40,000 to move the entire south wall 4 inches and cut 4 inches off the foundation.

It is worth noting that the Village Building and Zoning Official expressed concerns after visiting the site, as the building is still unfinished inside and drywall is yet to be installed (photos attached). He has indicated that he anticipates there will be additional building issues upon further inspection of the project.

On October 30th, 2021, staff received a letter from the owner of the adjacent property to the south, 327 Indian Drive, which is currently tenant-occupied (letter attached). The letter mentions an overhang located on 333 Indian's south building elevation. As shown in the attached photos taken by the neighbor, the overhang is built atop a side door and stoop area as part of the recent building addition project. On November 1st, 2021, the Village Fire and Property Inspector performed a site inspection and concluded that the overhang extends approximately one foot beyond the maximum three feet permitted projection. This matter is currently under investigation by staff and is not part of the request to be considered by the ZBA at its meeting on November 9th. The neighbor's letter also raises concerns regarding the encroachment of 333 Indian's overgrown landscaping into her side yard, which is a Code enforcement issue the Village will work with the property owners to resolve.

PROPOSED:

Per Section 10-10-12 of the Glen Ellyn Zoning Code, the petitioner is requesting approval of three construction necessitated zoning variations 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. 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. Draft minutes of the August 24, 2021 Zoning Board of Appeals Meeting

2. Draft Minutes of the October 11, 2021 Village Board Meeting
3. Affidavit of Truth – Signed by Petitioner
4. Petitioner's Cost Estimate by a Construction Contractor to Correct the Work
5. Village's Cost Estimate by a Construction Contractor to Correct the Work
6. Photos of Unfinished Interior Walls, dated November 3, 2021
7. Glen Ellyn Registered Contractor Listing Sheet, dated 2013
8. Application Materials
9. Property Aerial Map
10. Zoning Map
11. 1' Contour Map
12. Plat of Survey
13. Approved Plan for Building Permit
14. Existing Exterior Conditions Photos
15. Public Notice
16. Certificate of Publication
17. Letter from 327 Indian
18. Letters of Support
19. Map of properties notified by mailing
20. 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\I\Indian
333\CNV\Staff Reports\ZBA

DRAFT MINUTES
ZONING BOARD OF APPEALS
August 24, 2021

The meeting was called to order by ZBA Chairperson Gregory Constantino at 7:02 p.m. Zoning Board of Appeals Members Michelle Covington, Matt Jones, Chip Miller and Tom Whalls were present. ZBA Member Katie Crudele and ZBA Member Reed Panther were excused. Also present were Planner Atrian Fard, Planning Manager Kelly Purvis, Trustee Liaison Anne Gould and Recording Secretary Lindsey Kaminsky.

Chairperson Constantino explained the procedures of the Zoning Board of Appeals (ZBA) and stated tonight's meeting is called pursuant to notice by statute that was published in the Daily Herald on August 6, 2021 (480 Cottage Avenue) and August 10, 2021 (333 Indian Drive), and all property owners affected by the variations being requested were notified by mail.

MINUTES

ZBA Member Whalls moved, seconded by ZBA Member Covington, to approve the minutes of the June 22, 2021 meeting. The motion was carried with a voice vote.

On the agenda were public hearings regarding the properties located at 480 Cottage Avenue and 333 Indian Drive.

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 Miller and seconded by ZBA Member Whalls to open the public hearing for 480 Cottage Avenue at 7:06 p.m. The motion was carried with a voice vote.

PUBLIC HEARING – 480 COTTAGE AVENUE

PETITIONER PETER A. HOLLOWED IS REQUESTING A RECOMMENDATION OF APPROVAL OF THE FOLLOWING VARIATION FROM THE GLEN ELLYN ZONING CODE: 1. 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 OF THE PROPERTY; 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.

(Peter A. Hollowed, owner of the property located at 480 Cottage Avenue).

Staff Presentation

Planner Fard and Planning Manager Purvis were present to speak regarding the proposed variation request and were sworn in.

Planner Fard stated the 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. The subject property, 480 Cottage Avenue, is an interior lot on the north side of Cottage Avenue and is located between North Main Street and Pleasant Avenue. The subject property and all surrounding properties are zoned R2 – Single Family Residential District and are all improved with single family homes.

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

1. 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.

Planner Fard stated the Village has no record of any prior variations being granted for the subject property.

Planner Fard stated for many years, the homeowners at 480 Cottage Avenue (subject property) and the adjacent property to the east, 482 Cottage Avenue, have had a 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 on the west portion of the shared driveway (480 Cottage) was finished with concrete, with the east side was originally surfaced with gravel and then replaced with asphalt.

Planner Fard stated the property owners hired a contractor to replace both driveways. On June 15, 2020, the contractor 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 Avenue) 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 located at 482 Cottage Avenue, so that portion of the driveway was illegal and non-conforming. In an attempt to remove the non-conforming encroachment, staff advised the construction company to build the new driveway on 482 Cottage Avenue up to the common property line (not to the full

extend that the prior asphalt driveway had been constructed). This action led to a narrow triangular gap along the east side of the 480 Cottage Avenue property.

Planner Fard stated on June 29, 2021, staff notified the contractor that the driveway at 480 Cottage Avenue may be replaced in the location of the existing concrete driveway, 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 24, 2020, the Village performed a final inspection and recognized that the new concrete driveway for 480 Cottage Avenue was expanded and now extends up to the property line, where an impervious surface setback of 0.91 feet is required.

Planner Fard stated when staff inquired, the homeowner indicated that he was not informed about the permit conditions by the contractor until after the project was complete. Per the homeowner's narrative, 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 the 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.

Planner Fard stated 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.

Planner Fard stated on April 8, 2021, the petitioner provided a letter from the immediately adjacent property owner to the east (482 Cottage Avenue) supporting the requested construction necessitated variation.

Planner Fard stated the petitioner is proposing to maintain the concrete driveway in its existing location, up to the property line. 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.

Questions from the Zoning Board of Appeals

ZBA Chairperson Constantino asked if there are any drainage concerns. Planner Fard stated there are no negative impacts on the drainage compared with what existed before the improvements and noted there are no significant changes to the drainage on the property.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation was Peter A. Hollowed, owner of the property located at 480 Cottage Avenue. Mr. Hollowed stated their neighbor stated they had plans to replace their driveway, which is why they also decided to replace their driveway at the same time. Mr. Hollowed stated the concrete on the driveway was original to the house, and noted it was broken and caused drainage and safety issues. Mr. Hollowed stated they hired a contractor to obtain the required Village permits. Mr. Hollowed stated months after the project was complete, the contractor informed him the project failed the final inspection due to the gap/wedge shaped piece being filled in. Mr. Hollowed noted the Village did not notify him of the zoning issue and the issue was only communicated with the contractor. Mr. Hollowed stated he believes the variation should be granted because the driveway is visually pleasing as-is, there is improved drainage for both neighbors, the size of the driveways are very narrow and taking out the gap/wedge would lead to dangerous conditions including a tripping hazard.

Additional Questions from the Zoning Board of Appeals

ZBA Member Miller asked if the blacktop (neighbor's driveway) reached their driveway. Mr. Hollowed confirmed this. ZBA Member Miller stated the neighbor's driveway was encroaching on the Hollowed's property.

ZBA Member Miller asked if Mr. Hollowed works in the construction field. Mr. Hollowed stated he does not.

ZBA Member Miller asked why the cost estimate to resolve the zoning issue is not from the original contractor. Mr. Hollowed stated he reached out to the original contractor, but they did not respond.

ZBA Member Covington asked if the contractor did not share the information regarding the zoning issue with Mr. Hollowed. Mr. Hollowed stated he did not get any communication regarding the zoning issue until he was told the driveway failed the final inspection. Mr. Hollowed stated he had hired the contractor to replace the driveway, and did not think to ask about the plans/permit conditions. Mr. Hollowed stated if he was notified prior to completing the work, he would have requested a zoning variation rather than a construction necessitated zoning variation.

ZBA Chairperson Constantino asked if the new driveways fix the previous encroachment issue. Mr. Hollowed stated this issue is fixed and the driveways are connected at the property line.

ZBA Chairperson Constantino asked if the neighbor is content with the current driveways. Mr. Hollowed stated their neighbors are happy with the driveway and they do not want to change them.

Persons in Favor of or in Opposition to the Variation Requests

None.

Findings of Fact

ZBA Member Jones stated the following findings of fact: the 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. The subject property, 480 Cottage Avenue, is an interior lot on the north side of Cottage Avenue and is located between North Main Street and Pleasant Avenue. The subject property and all surrounding properties are zoned R2 – Single Family Residential District and are all improved with single family homes. The petitioner is requesting a recommendation of approval of the following variation from the Glen Ellyn Zoning Code: 1. 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.

ZBA Member Jones continued the findings of fact: the driveway was original to the home. 2 different properties shared the driveway, with the driveway at 482 Cottage Avenue encroaching on the property located at 480 Cottage Avenue. To remove the encroachment, a nonconforming triangular piece between the driveways was removed, which was not permitted by the Village Code. The petitioner stated the old driveways were in bad conditions and did not drain properly while the new driveways have improved the drainage and reduced safety concerns. The contractor did not respond to the homeowners' concerns about fixing the driveway to meet the Village Code. As replaced, the driveway does not meet the Village Zoning Code.

Motion

ZBA Member Whalls moved, seconded by ZBA Member Covington that the Zoning Board of Appeals recommend to approve the Findings of Fact. The motion was carried with a voice vote.

Additional Comments from the Zoning Board of Appeals

ZBA Member Miller stated he struggles with this request as it is a construction necessitated zoning variation. ZBA Member Miller also stated he would have expected the homeowner to look over the permits. ZBA Member Miller stated there was a pre-existing condition with the neighbor's driveway encroaching on their property. ZBA Member Miller also noted the permit that was approved was not followed.

ZBA Member Covington stated this is a challenging request because it is a construction necessitated zoning variation. ZBA Member Covington stated this request in particular has benefits including that the impervious surface was always there, and noted it fixes the gap/wedge which could create a possible hazard. ZBA Member Covington stated she is overall in favor of this request.

ZBA Member Jones stated he is in favor of this request. ZBA Member Jones stated he looks at construction necessitated zoning variations as if they came to the ZBA prior to the work being complete. ZBA Member Jones stated the homeowner is not responsible for this error, and noted the

homeowner hired a contractor to complete the work. ZBA Member Jones noted he is not happy with the contractor. ZBA Member Jones added if the request came to the ZBA prior the work being complete, he would have been in favor of that request. ZBA Member Jones noted this project replaces the existing hard surface and filling in the gap/wedge fixes a safety issues.

ZBA Member Whalls stated he is in favor of this request. ZBA Member Whalls stated there is no stormwater issues and noted filling in the gap/wedge fixes a safety issue.

ZBA Chairperson Constantino stated the ZBA does not like to see this many construction necessitated zoning requests. ZBA Chairperson Constantino stated it appears contractors should be the ones to be forgiven, especially when it is the homeowner that needs to come before the ZBA. ZBA Chairperson Constantino stated the encroachment issue has been fixed, the neighbor is happy, a safety issue has been fixed, and that this project will protect the integrity of the driveway materials. ZBA Chairperson Constantino also noted a minimal variation is being requested and that there are no stormwater concerns. ZBA Chairperson Constantino stated the driveways look better than before and noted that he is in favor of the request.

Motion

A motion was made by ZBA Member Covington and seconded by ZBA Member Whalls to close the public hearing for 480 Cottage Avenue at 7:43 p.m. The motion was carried with a voice vote.

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

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):

- The condition was preexisting with the neighbors block top driveway encroaching on the subject properties driveway
- The neighbor had a non-conforming driveway and did not previously have a permit issued for the driveway work
- The driveway, as is, creates safer conditions

Subject to the following conditions:

- 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
- No additional expansion to the driveway will be allowed

- The driveways existing conditions must be maintained

The motion was carried with 5 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington, ZBA Member Jones, ZBA Member Miller, ZBA Member Whalls.

A motion was made by ZBA Member Covington and seconded by ZBA Member Whalls to open the public hearing for 333 Indian Drive at 7:56 p.m. The motion was carried with a voice vote.

PUBLIC HEARING – 333 INDIAN DRIVE

PETITIONER VLADIMIR GATALO 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 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 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 RW RESIDENTIAL DISTRICT; 4. ANY OTHER ZONING RELIEF NECESSARY TO ALLOW THE HOME TO REMAIN AS CONSTRUCTED AND AS DEPICTED ON THE PLAN PRESENTED AT THE PUBLIC HEARING OR AT A PUBLIC MEETING OF THE VILLAGE BOARD

(Vladimir Gatalo, owner of the property located at 333 Indian Drive).

Staff Presentation

Planner Fard and Planning Manager Purvis were present to speak regarding the proposed variation request and were sworn in.

Planner Fard stated Vladimir Gatalo, owner of the subject property, is requesting a public hearing for a construction necessitated zoning variation for the property located at 33 Indian Drive. The subject property 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. 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.

Planner Fard stated 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; and
2. Section 10-4-8(D)(1)(b) to allow an existing addition to be approximately 1' closer to the street than the closet principal structure immediately to the south where a principal structure (or addition thereto) is required be no closer to the street than the closet principal structure on either adjacent lot on the same block and same side of the street in the R2 Residential District; and
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 plan presented at the public hearing or at a public meeting of the Village Board.

Planner Fard stated the Village has no record of any prior variations being granted for the subject property. The Village has the following permits being issued to the subject property: demolition/building a new residence (1955) and addition (2013).

Planner Fard stated 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.

Planner Fard stated 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 to Village that they prefer to pursue a zoning variation to legalize the new building addition.

Planner Fard stated 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.

Planner Fard stated 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 closet 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.

Planner Fard stated on August 11, 2021, Village staff received a letter from the Forest Preserve District of DuPage County, acknowledging receipt of timely notice of the requested construction necessitated variation.

Planner Fard stated 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. If the request is denied, the petitioner has provided a cost estimate of \$47,000 to \$60,000 plus 40% increase of material prices to bring the non-conforming addition into compliance.

Questions from the Zoning Board of Appeals

ZBA Member Covington stated there have been many permit extensions and asked if there were any changes in the Zoning Code since 2013. Planner Fard stated there have not been any changes regarding setbacks since 2013.

ZBA Member Covington asked why framing allowed when the concrete pour was not done correctly. Planner Fard stated there was a rough framing inspection which was approved and it was not inspected again until the final inspection.

ZBA Member Covington asked how the other two zoning issues were found. Planner Fard stated the variation on the south side of the house was originally presented to staff and noted when staff reviewed the request, they noticed the other two zoning issues. Planning Manager Purvis stated the other issues were found when staff reviewed the as built survey that was provided to the Village.

ZBA Member Covington asked if another contractor was able to provide a cost estimate to fix/resolve the zoning issue. Planner Fard stated no other estimate was received. ZBA Member Covington stated she would like to see a quote from a different contractor.

ZBA Member Whalls asked who completed the as built survey. Planner Fard stated it was completed by Lambert and Associates and noted it was completed after the work was complete in December 2020.

ZBA Member Whalls asked who the footing excavator was. Planner Fard stated staff does not have the information.

ZBA Chairperson Constantino stated the permit was approved and issued, and asked if the permit does not establish the setbacks. Planner Fard stated the petitioner did not complete the project as noted in the approved plans. Planning Manager Purvis stated the permit would not note all the required setbacks, and noted the permit was approved in conformance.

ZBA Member Miller asked if an inspection regarding the setback was complete during the building process. Planning Manager Purvis stated she has correspondence regarding this question, and could find it, if the ZBA would like.

ZBA Member Jones asked if the Village requires a survey of the buildings to be complete before construction continues. Planning Manager Purvis stated a spot survey is completed.

ZBA Member Jones stated he would like to see a change that requires a foundation/footing survey. Planning Manager Purvis stated staff will look into this idea.

ZBA Member Jones asked how accurate the survey is. Planner Fard stated the survey was completed by a licensed company, but noted it is possible errors have been made when completing the survey.

ZBA Member Jones asked if the Village completed measurements of the setbacks, or asked if staff is getting that information from the survey. Planner Fard stated staff is using the information from the survey. Planning Manager Purvis stated staff would not go measure the setbacks themselves.

A break was taken between 8:25 p.m. and 8:31 p.m. to allow Planning Manager Purvis to find emails from Building and Zoning Official Witt regarding this request.

Planning Manager Purvis read an email from Building and Zoning Official Witt regarding this request. The email from February 16, 2021 stated the project passed the foundation inspections but the passing of these inspections do not guarantee the foundation is installed in the correct location unless a follow-up foundation survey confirms the location with respect to property lines. The email also noted the inspectors are not surveyors and would not be able to accurately check the footings/foundation location while the work is in progress.

ZBA Member Covington asked how the Village handles a project that was not built to the site plan, but is in compliance with the Zoning Code. Planning Manager Purvis stated if the project is in compliance with the Zoning Code, there is no further action taken.

ZBA Member Jones asked if the project has received a final inspection. Planning Manager Purvis stated a final inspection will be completed when the project is complete.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation Vladimir Gatalo, owner of the property located at 333 Indian Drive.

Mr. Gatalo stated they had an inspection on the footing and foundation. Mr. Gatalo stated the survey was not complete when the foundation/footing was done. Mr. Gatalo stated due to financial reasons, after the foundation/footing was complete, they decided to complete the work on the garage and siding. Mr. Gatalo stated there was also an inspection prior to the drywall being installed. Mr. Gatalo stated the Village requested a plat of survey, which was provided.

Additional Questions from the Zoning Board of Appeals

ZBA Chairperson Constantino asked who prepared the building plans. Mr. Gatalo stated the plans were provided to the contractor, and noted he is currently not able to get in touch with the contractors. Mr. Gatalo stated the placement of the footings were measured from the current building location.

ZBA Chairperson Constantino asked if an architect was used. Mr. Gatalo confirmed a contractor was used.

ZBA Chairperson Constantino asked who prepared the location of the footings. Mr. Gatalo stated the contractor did.

ZBA Chairperson Constantino asked how did the contractor know where to put the foundation. Mr. Gatalo stated the plan had dimensions of the front and side yard.

ZBA Member Miller asked if the plans provided to the contractor/architect were the same ones provided to the Village. Mr. Gatalo confirmed they were.

ZBA Member Miller asked if Mr. Gatalo has the contractor's name/contact information. Mr. Gatalo stated he does not.

ZBA Member Jones asked how long until the project is complete. Mr. Gatalo stated 2-3 months.

ZBA Chairperson Constantino asked how the petitioner came up with the cost estimate to correct the non-compliance issue. Planner Fard stated the cost estimate was calculated by the petitioner.

ZBA Member Jones asked what Mr. Gatalo does for a living. Mr. Gatalo stated he works in construction.

ZBA Member Jones asked Mr. Gatalo if he feels like he has a good knowledge of what is required to complete for this project. Mr. Gatalo stated he does not have experience with concrete work.

Persons in Favor of or in Opposition to the Variation Requests

1. Planner Fard read a letter of support from the homeowners located at 343 Indian Drive.

2. Planner Fard read a letter of support from the homeowners located at 337 Indian Drive.

Findings of Fact

ZBA Member Jones stated the following findings of fact: 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. The subject property 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. 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. 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; and 2. Section 10-4-8(D)(1)(b) to allow an existing addition to be approximately 1' closer to the street than the closet principal structure immediately to the south where a principal structure (or addition thereto) is required be no closer to the street than the closet principal structure on either adjacent lot on the same block and same side of the street in the R2 Residential District; and 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 plan presented at the public hearing or at a public meeting of the Village Board. The Village has no record of any prior variations being granted for the subject property. The Village has the following permits being issued to the subject property: 1955, demolition/building a new residence; 2013, addition.

ZBA Member Jones continued the findings of fact: 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 to 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 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.

ZBA Member Jones continued the findings of fact: on August 11, 2021, Village staff received a letter from the Forest Preserve District of DuPage County, acknowledging receipt of timely notice of the requested construction necessitated variation. Two letters of support were submitted by the property owners located at 343 Indian Drive and 337 Indian Drive.

ZBA Member Jones continued the findings of fact: 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. If the request is denied, the petitioner has provided a cost estimate of \$47,000 to \$60,000 plus 40% increase of material prices to bring the non-conforming addition into compliance.

ZBA Member Jones continued the findings of fact: the home addition was enlarged compared to what was submitted to the Village. The Village completed an inspection which showed the setbacks to not meet the requirements of the Village Code. The concrete workers made a mistake on the installation of the foundation, which is why a variation is required. There have been no code changes regarding setbacks since 2013. 2 setback issues were missed by the inspectors that were later found during the final review. Village staff did not measure the property and they are using the survey submitted by Lambert and Associates. The final inspections checked for depth, not the final setbacks. The homeowner is serving as the general contractor and noted they measured the starting point of the setback from the home instead of the lot line.

Motion

ZBA Member Whalls moved, seconded by ZBA Member Jones that the Zoning Board of Appeals recommend to approve the Findings of Fact. The motion was carried with a voice vote.

Additional Comments from the Zoning Board of Appeals

ZBA Member Miller stated he can't find a way to approve this request. ZBA Member Miller stated the homeowner was the general contractor and noted the homeowner does not know who completed the concrete pour. ZBA Member Miller stated the project was not built to the approved plans and the homeowner can't explain why this issue occurred. ZBA Member Miller stated the project should not have been built this way.

ZBA Member Covington asked if the permit application requires contractor's information. Planning Manager Purvis stated it is required and the homeowner is listed as the contractor.

ZBA Member Covington stated this project is messy on both sides, and thinks the Village let this issue go too far. ZBA Member Covington stated she is not able to find any unique circumstances and stated she is not in favor of the request.

ZBA Member Jones stated this is a messy situation. ZBA Member Jones stated clearly mistakes have been made. ZBA Member Jones stated he would like to see another survey completed to confirm the information provided is correct. ZBA Member Jones stated he is not happy why they are here discussing this request and noted if it was built to plan, the ZBA would not be involved. ZBA Member Jones stated it feels as if they are not looking to grant a variation, rather it appears they are trying to help a homeowner fix a mistake. ZBA Member Jones stated this is a messy situation, and questions how to resolve this issue.

ZBA Member Whalls stated there are no stormwater issues and noted there is no opposition from neighbors. ZBA Member Whalls stated the variation being request is minimal. ZBA Member Whalls stated it appears a lot of people were involved in this issue. ZBA Member Whalls stated he is overall in favor of this request.

ZBA Chairperson Constantino stated this is another example of the increase of construction necessitation zoning variation requests. ZBA Chairperson stated the variations being requested are minimal. ZBA Chairperson Constantino stated there were issues with the inspections and timing and noted he believes the Village could have done a better job recognizing the footing issues. ZBA Chairperson Constantino stated there are no neighbor concerns. ZBA Chairperson Constantino noted the setback requests comply with the surrounding properties. ZBA Chairperson Constantino stated overall he is in favor of this request.

ZBA Member Jones stated he is in favor of this request.

Motion

A motion was made by ZBA Member Whalls and seconded by ZBA Member Covington to close the public hearing for 333 Indian Drive at 9:08 p.m. The motion was carried with a voice vote.

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

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):

- There are no stormwater concerns
- Several neighbors have voiced their support of the project
- Minimal variation is requested

The motion was carried with 3 "yes" votes and 2 "no" votes. The "yes" votes are as follow: ZBA Chairperson Constantino, ZBA Member Jones and ZBA Member Whalls. The "no" votes are as follow: ZBA Member Covington and ZBA Member Miller.

Staff Report

Planning Manager Purvis stated there are a few applications in the que, but there are currently no cases ready to be presented to the ZBA.

ZBA Chairperson Constantino stated he would like for staff to look for better guidelines regarding construction necessitated zoning variation requests and asked staff to look for other/better ways to work with these type of requests. Planning Manager Purvis stated staff is working on ways to make this process more streamlined, and noted staff is currently doing research. Planning Manager Purvis stated this will become more of a focus when the open vacancies in the planning staff are filled.

ZBA Member Whalls stated he would like to see the Village to complete a spot survey on foundation work. ZBA Member Whalls also stated he would like the Zoning Code to be reviewed regarding lot coverage ratios.

ZBA Chairperson Constantino stated he would like to see the Village complete a benchmark survey as well.

Planning Manager Purvis stated the Zoning Code needs work, and noted staff requested funds to hire a consultant to rewrite the Zoning Code for the 2022 budget. Planning Manager Purvis stated if approved, staff would invite architects and builders for input regarding Zoning Code changes. Planning Manager Purvis stated ultimately, the Plan Commission would vote on the proposed changes, but the ZBA can be involved in the process.

Trustee Liaison Report

Trustee Gould stated the latest construction necessitated zoning variations discussed by the ZBA were approved by the Village Board. Trustee Gould stated the Village Board had a long discussion regarding construction necessitated zoning variation request, and would like to complete a review of

the process. Trustee Gould stated the Village Board would like the ZBA's input on how to change the process.

Trustee Gould provided an update on the Roosevelt Road hotel purchase.

Trustee Gould provided an update on the Communication Relations Commission.

Adjournment

At 9:42 p.m. a motion was made by ZBA Member Whalls and seconded by ZBA Member Jones to adjourn the meeting. The motion was carried with a voice vote.

Lindsey Kaminsky
Recording Secretary



Minutes
Village of Glen Ellyn
Glen Ellyn Village Board
Regular Meeting
Monday, October 11, 2021
7:00 PM
Glen Ellyn Civic Center, Galligan Board Room

A. Call to Order

B. Pledge of Allegiance

Rev. Seth Carey of the First Congregation Church of Glen Ellyn began the Village Board meeting with an invocation.

C. Roll Call

Upon roll call by Assistant Village Manager Rodman, President Senak and Trustees Christiansen, Fasules, Gould, Kalinich, Payne and Thompson answered "Present". Trustee Fasules was excused.

Also in attendance: Village Manager Franz, Assistant Village Manager Rodman, Village Attorney Mathews, Finance Director Coyle, Public Works Director Buckley, Community Development Director Springer and Deputy Police Chief Vavra.

D. Audience Participation

President Senak provided information to the public regarding the Local Government Distributive Fund (LGDF). President Senak spoke regarding the recent teen suicides in town and the Mental Health Task Force created to assist the residents of Glen Ellyn.

E. Presentation

1. President Senak read a proclamation recognizing HOPE Fair Housing Center and Hispanic Heritage Month.

Ms. Evelyn Sanguinetti, Executive Director of HOPE Fair Housing Center, spoke regarding the HOPE Fair Housing Center and the services they provide.

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

RESULT:	APPROVED [5 TO 0]
MOVER:	Bill Payne, Village Trustee
SECONDER:	Kelley Kalinich, Village Trustee
AYES:	Christiansen, Gould, Kalinich, Payne, Thompson
ABSENT:	Fasules

Motion to approve the following items including Payroll and Vouchers totaling \$2,580,134.71. These agenda items have been reviewed by the Management Team & Village Attorney and are consistent with the Village's Purchasing Policy (Payne)

1. Total Expenditure (Payroll and Vouchers) - \$2,580,134.71
2. Approve the Recommendation of Village President Mark Senak that the following Appointments be made to the Building Board of Appeals:

Robert Stahr, Commissioner, with a Term Ending July 31, 2024
Barrington Pope, Commissioner, with a Term Ending July 31, 2024

3. Approve a Retail Improvement Award in the Amount of \$26,250 to BB Glen Ellyn, LLC, for Bonita Bowl Located at 524 Crescent Boulevard, to be Expensed to the Central Business TIF Fund (Economic Development Coordinator Hannah)

Mr. Keith Kissane thanked the Village Board for their support and provided information regarding his business.

4. Approve a Retail Improvement Award in the Amount of \$8,750 to CXPM, Inc., for King Crab Located at 462 N. Park Boulevard, #120, to be Expensed to the Central Business TIF Fund (Economic Development Coordinator Hannah)

Mr. Paulo Mendez thanked the Village Board for their support and provided information regarding his business.

5. Ordinance No. 6907, An Ordinance Amending Ordinance No. 5758, Defining Meeting and Adopting Procedures for Remote Participation, to Expand the Use of Remote Participation to all Advisory Boards and Commissions (Village Attorney Mathews)
6. Authorize the Village Manager to Execute a Contract with Hampton, Lenzini and Renwick, Inc. (HLR), to Provide Civil Engineering Services to the Community Development Department through December 31, 2021, in an Amount Not-to-Exceed \$158,000, to be Expensed to the General Fund (Community Development Director Springer)
7. Authorize the Village Manager to Execute a Contract with Snow Systems, of Wheeling, IL, for the Civic Center Garage Snow and Ice Control 2021-22, in the Not-to-Exceed Amount of \$151,275 to be Expensed to the Parking and General Funds (Public Works Director Buckley)

Trustee Payne asked what the plan is to remove snow from the top level of the Civic Center. Public Works Director Buckley stated they will continue to monitor this situation to determine the most efficient way to remove the snow.

G. Zoning Variation Requests for the Property Located at 333 Indian Drive (Presented by Community Development Director Springer) (Trustee Gould)

1. Motion to Approve Ordinance No. 6908, An Ordinance Approving Three Construction Necessitated Zoning Variations from the Setback Requirements of the Glen Ellyn Zoning Code to Maintain A Building Addition on the Property Located at 333 Indian Drive

Community Development Director Springer presented information on the proposed construction necessitated zoning variations for the property located at 333 Indian Drive including details on the project history, property data, variation requests and the Zoning Board of Appeals recommendation.

Trustee Gould asked if the covered front porch grants the petitioner a larger lot coverage variance in the future. Community Development Director Springer stated this is not a lot coverage issue, and the petitioner is not close to the maximum lot coverage.

Trustee Gould asked why the house is described as a one-story building as it appears to have two usable stories. Community Development Director Springer stated the second story is another issue that was found during inspections. Community Development Director Springer stated that the approved plans indicated the second story was to be constructed as an attic, but during inspections, staff realized it appears the second story has been constructed to be a livable space. Community Development Director Springer stated this is a building code issue that will be addressed by staff.

Trustee Kalinich stated she is troubled by the fact the name and contact information of the concrete contractor is unavailable and not recalled by the homeowners. Trustee Kalinich asked if contractors are required to be registered with the Village. Community Development Director Springer stated a property owner is allowed to be their own general contractor, which this petitioner did. Community Development Director Springer stated on the building permit application, the petitioner had listed himself as the general contractor, concrete contractor and HVAC contractor. Community Development Director Springer stated it is her understanding after the permit was issued, the petitioner hired a concrete contractor and did not update the Village with the information.

Trustee Kalinich stated a Zoning Board of Appeals member stated the plat of survey may have been completed incorrectly. Trustee Kalinich asked if there has been any follow up regarding the plat of survey. Community Development Director Springer stated this was a discussion at the Zoning Board of Appeals meeting but noted staff cannot challenge a survey completed by a licensed professional.

Trustee Kalinich asked if there have been circumstances in the past where staff realized that a plat of survey was incorrect. Community Development Director Springer stated there have been inconsistencies with plat of surveys in the past, which typically occur regarding lot lines. Community Development Director Springer noted incorrect surveys are only received once or twice a year.

Trustee Thompson stated this was a very elongated construction process and asked how typical that is. Community Development Director Springer stated the Village does offer permit extensions, for a fee, which are somewhat typical. Community Development Director Springer stated it is unusual for a project to last this long.

Trustee Thompson asked if having a construction process that lasts this long creates issues for staff. Community Development Director Springer stated it can create issues for staff as it is hard to keep track of permits that are active for this long. Community Development Director Springer also noted building and zoning codes can be changed during a construction process that has lasted this long.

Trustee Christiansen noted the foundation inspected was passed in February of 2021. Trustee Christiansen asked if that type of inspection is to check location of the work or just the quality of work. Community Development Director Springer stated the inspection is to ensure the work meets the minimum safety codes.

Trustee Kalinich asked the petitioner, Mr. Gatalo, when the concrete work was completed. Mr. Gatalo stated the work was complete in 2015.

Trustee Kalinich asked why Mr. Gatalo is not able to get in contact with the concrete contractor. Mr. Gatalo stated he has tried to call the contractor that was used, and he is unable to get in touch. Mr. Gatalo also noted he does not remember the name of the concrete contractor.

Trustee Kalinich asked how Mr. Gatalo found this contractor. Mr. Gatalo stated he has worked with the contractor in the past.

Trustee Kalinich asked if staff is able to look up the contractor if they have completed work with the Village in the past. Community Development Director Springer stated they can search for the contractor but noted there is no proof that contractor completed work.

Trustee Christiansen asked Mr. Gatalo how he paid for the work. Mr. Gatalo stated he paid in cash.

Trustee Christiansen asked if Mr. Gatalo can explain how the work unfolded, and what work he completed himself. Mr. Gatalo stated he hired the concrete contractor to complete the work.

Trustee Thompson stated he is in favor of approving this request as it is a minimal variation request. Trustee Thompson stated he believes the petitioner is providing the Village with all the information he has.

Trustee Kalinich stated she is troubled with the lack of clarity regarding who the contractor was. Trustee Kalinich stated she is bothered by the fact the petitioner is not able to provide information for the contractor that completed the work.

Trustee Christiansen stated she agrees with Trustee Kalinich. Trustee Christiansen also noted construction necessitated zoning variation requests have gotten out of hand. Trustee Christiansen stated she feels she does not have enough information to grant a variation.

Trustee Kalinich moved, seconded by Trustee Gould, to remand this matter back to the Zoning Board of Appeals for reconsideration for a time when all seven Zoning Board of Appeal members are present at the meeting.

RESULT:	APPROVED [5 TO 0]
MOVER:	Kelley Kalinich, Village Trustee
SECONDER:	Anne Gould Village Trustee
AYES:	Christiansen, Gould, Kalinich, Payne, Thompson
ABSENT:	Fasules

H. Reminders

1. A Village Board Workshop is tentatively scheduled for Monday, October 18, 2021 at 7:00 p.m.
2. A Special Village Board Meeting is tentatively scheduled for Thursday, October 21, 2021 at 5:30 p.m.
3. A Special Village Board Budget Workshop is tentatively scheduled for Thursday, October 21, 2021 at 7:00 p.m.
4. A Special Village Board Budget Workshop is scheduled for Monday, October 25, 2021 at 5:30 p.m.
5. A Village Board Meeting is scheduled for Monday, October 25, 2021 at 7:00 p.m.
6. A Special Village Board Budget Workshop is scheduled for Thursday, October 28, 2021 at 7:00 p.m.

H. Other Business

J. Motion to Adjourn

RESULT:	APPROVED [5 TO 0]
MOVER:	Kelli Christiansen, Village Trustee
SECONDER:	Anne Gould, Village Trustee
AYES:	Christiansen, Gould, Kalinich, Payne, Thompson
ABSENT:	Fasules

Respectfully Submitted, Lindsey Kaminsky Executive Assistant

Affidavit of Truth

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

I, Vladimir Gatalo, hereby attest and affirm that I hired Mr. Frank Spacil
with Spacil Construction company, located at 8615 Washington St Downers Grove.
my concrete contractor to perform foundation work for my building addition project
on my property located at 333 Indian Dr., Glen Ellyn. Mr. Frank Spacil
completed the foundation in 20 13 and I compensated him for his work with cash in the
amount of \$ 8500.00

I hereby confirm that the information above is accurate and complete, and relevant information has not been omitted.

Applicant's Signature: [Signature]
Applicant's Name: Vladimir Gatalo
Title: owner

Subscribed and sworn to me this

1 day of November, 2021.

Laura L. Tisnai
Notary Public



HJH CONST Co.

11/1/21

2329 N. Westwood Ln.

Palatine, Il. 60074

Vladimir Gatald

333 Indian Dr.

GlenEllyn, Il. 60132

Proposal to alter forty-three feet of exterior wall.

We will provide additional insurance and pay Village fees.

Engineering for shoring and install shoring.

Demolition and removal of debris.

All electrical work. To include preparation for demolition, replacement of rough and trim.

Carpentry and labor to adjust/ move exterior wall.

Cut and flash existing foundation.

Repair and replace siding as nessary.

Re-drywall and tape interior.

Paint interior and exterior.

Total \$56,196.00

We will require a 20% deposit.

Thanks Len Wolchuk

312 405-2618

Atrin Khodadadi Fard

From: Steve Witt
Sent: Thursday, November 4, 2021 12:33 PM
To: United Home Builders Inc
Cc: Staci Springer; Kelly Purvis; Atrin Khodadadi Fard
Subject: RE: Glen Ellyn

Bob:

Thank you for taking the time to meet with me yesterday to review this case related to the building setback. We appreciate your assistance in reviewing this case.

It was a pleasure to meet with you. Please let me know if I can be of assistance to you when you build again in Glen Ellyn.

Regards,

Steve

Stephen Witt | Building & Zoning Official | Community Development Department
Village of Glen Ellyn | 535 Duane Street | Glen Ellyn, IL 60137
switt@glenellyn.org | p 630.547.5244 | f 630.547.5370

From: United Home Builders Inc <unitedhome@sbcglobal.net>
Sent: Thursday, November 4, 2021 6:05 AM
To: Steve Witt <switt@glenellyn.org>
Subject: Fw: Glen Ellyn

Good Morning Mr. Witt,
With regards to my visit yesterday to 333 Indian I am attaching pictures of the second floor wall. After careful consideration I believe the cost to move the entire South wall of the residence in 4" and in addition cut 4" off the foundation to be in compliance would cost between \$ 35,000 - \$40,000. I hope this information is helpful.

Robert H. Mueller President

[United Home Builders Inc.](#)
738 S. Elizabeth St.
Lombard, IL 60148
Office: (630) 627-6244
Cell: (630) 240-3915

----- Forwarded Message -----

From: Bob Mueller <unitedhome@sbcglobal.net>
To: Robert Mueller <unitedhome@sbcglobal.net>

Atrin Khodadadi Fard

From: United Home Builders Inc <unitedhome@sbcglobal.net>
Sent: Friday, November 5, 2021 3:38 PM
To: Staci Springer; Kelly Purvis
Cc: Steve Witt; Atrin Khodadadi Fard
Subject: Re: 333 Indian, Glen Ellyn work quote

[EXTERNAL EMAIL]

Hi Staci,
I would have to guess 3,000 to 4,000 should do it. Hope this helps.
Bob

[Sent from AT&T Yahoo Mail for iPhone](#)

On Friday, November 5, 2021, 3:09 PM, Staci Springer <sspringer@glenellyn.org> wrote:

Hi Bob! It's Staci! I hope you are well!

We really appreciate you helping us out on this. We understand you haven't bid the project, but do you have a gut feeling on the cost to just shave back the side wall 4 inches? That was really the only thing we needed a quote on.

Thanks again. We really appreciate it!

Staci

Staci Springer

Community Development Director

Village of Glen Ellyn

From: United Home Builders Inc <unitedhome@sbcglobal.net>
Sent: Friday, November 5, 2021 3:02 PM
To: Kelly Purvis <kpurvis@glenellyn.org>











VILLAGE OF GLEN ELLYN
APPLICATION FOR BUILDING PERMIT

PERMIT NO. _____

REGISTERED CONTRACTOR LISTING SHEET

PROJECT ADDRESS 333 Indian Drive

All contractors required to be registered with the Village of Glen Ellyn under Village Code Section 4-1-11 must be identified on this Registered Contractor Listing Sheet submitted with the permit application. Contractors working at this project address in violation of this code section may be served with a citation, or a Stop Work Order may be issued, or the Building Permit may be suspended or revoked.

TRADE/WORK	NAME	ADDRESS	PHONE
LIST LICENSED CONTRACTORS – REGISTRATION REQUIRED – NO EXCEPTIONS			
ELECTRICAL	Northelectric Inc	2790 Legende Ct Riverwood	
PLUMBING	Great American Plum Inc	8514 Candlelight Dr Willow Springs	
IRRIGATION			
ROOFING	who? All weather roofing	Park Ridge	owner
FIRE SPRINKLER			
FIRE ALARM			
ELEVATOR/LIFT			
DEMOLITION			
LIST GENERAL CONTRACTOR AND INDEPENDENT CONTRACTORS – REGISTRATION REQUIRED FOR ALL CONTRACTORS PERFORMING WORK THAT REQUIRES A BUILDING PERMIT			
General Contr.	who?		
	Anton Logunenko, son will help w/ carpentry		
Concrete	owner		
HVAC	owner		
A CONTRACTOR HIRED BY THE GENERAL CONTRACTOR PERFORMING WORK THAT DOES NOT REQUIRE A LICENSE IS EXEMPT FROM REGISTRATION.			

NOTES:

Property Owner or Permit Applicant (Owner's Agent) Signature

Date

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



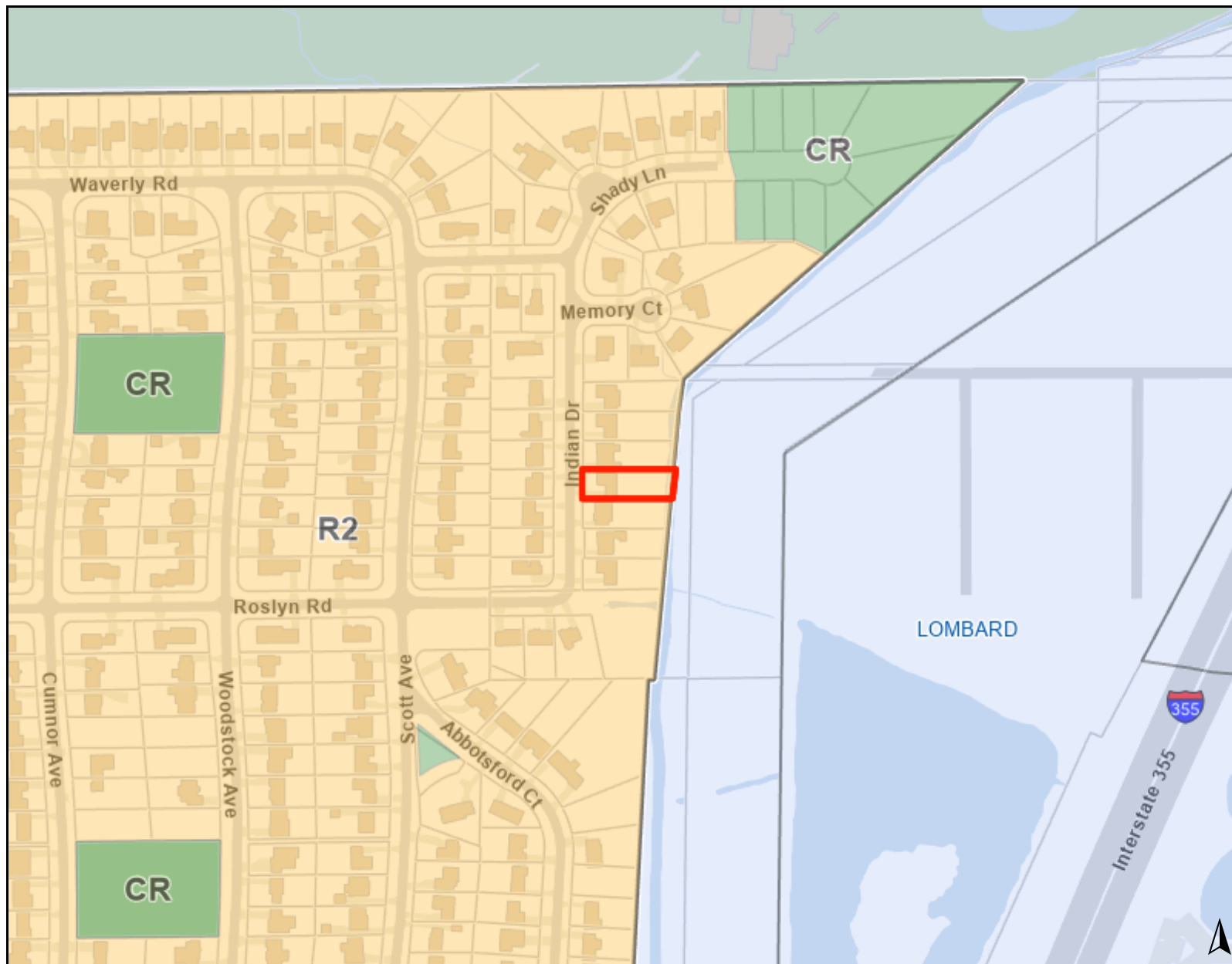
0 150 300
ft

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 District
- R2: Single Family Residential District

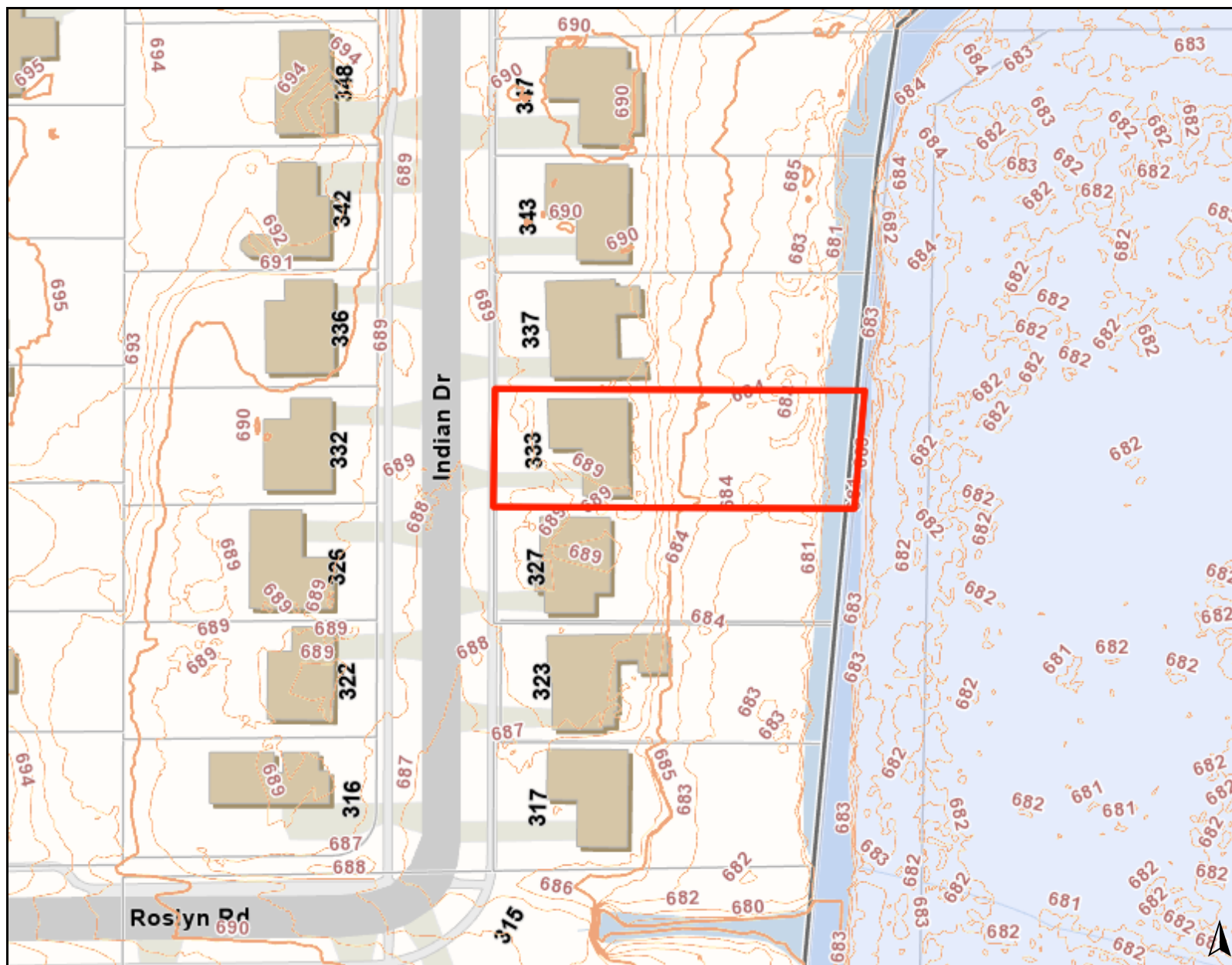
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ft

Print Date: 8/17/2021

Notes

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GIS Consortium | 333 Indian Drive 1' Contour Map



Legend

DuPage County

DuPage County 1' 2017 Contours

- Contour Line, Intermediate
- Contour Line, Major

0 150 300 ft

Print Date: 8/17/2021

Notes

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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



INDIAN DR

(66' R.O.W.)

ASPHALT

CONC. CURB & GUTTER

CONC.

CONC. WALK 66.00' (M=R)

3/4" IRON PIPE
(FOUND) AT
CORNER

30' BUILDING LINE

30.10'

90°0'0" (M=R)

CONC. PORCH

29.94'

CONC. DRIVE

29.85'

2 STORY
BRICK & VINYL
RESIDENCE

42.78'

3/4" IRON PIPE
(FOUND) 0.2'N &
0.2'E OF CORNER

FENCE COR.
ON LINE

6.39'

BLDG COR.
1.7'S OF LINE

SHED

6.50'

BLDG COR.
1.1'S OF LINE

FENCE END
0.3'S OF LINE

202.19' (M=R)

LOT 3

FENCE COR.
0.5'N OF LINE

208.13' (M=R)

SHED

BLDG COR.
0.3'S OF LINE

BLDG COR.
0.3'S OF LINE

BRICK

8.20'

FENCE COR.
1.7'N OF LINE

28.76'

DUPAGE RIVER

66.27' (M=R)

3/4" IRON PIPE
(FOUND) ON LINE &
24.3'W OF CORNER

FENCE END
0.2'S OF LINE

29.41'

TRACT 14
COMMONWEALTH EDISON COMPANY
ASSESSMENT PLAT NO.8



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.

Norbert V. Lambert Jr.
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

— o — o — o — = CHAINLINK FENCE

— OHV — = OVERHEAD WIRES

LEGEND

(M) = MEASURED DIMENSION

(R) = RECORD DIMENSION

• = FOUND IRON STAKE
o = 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

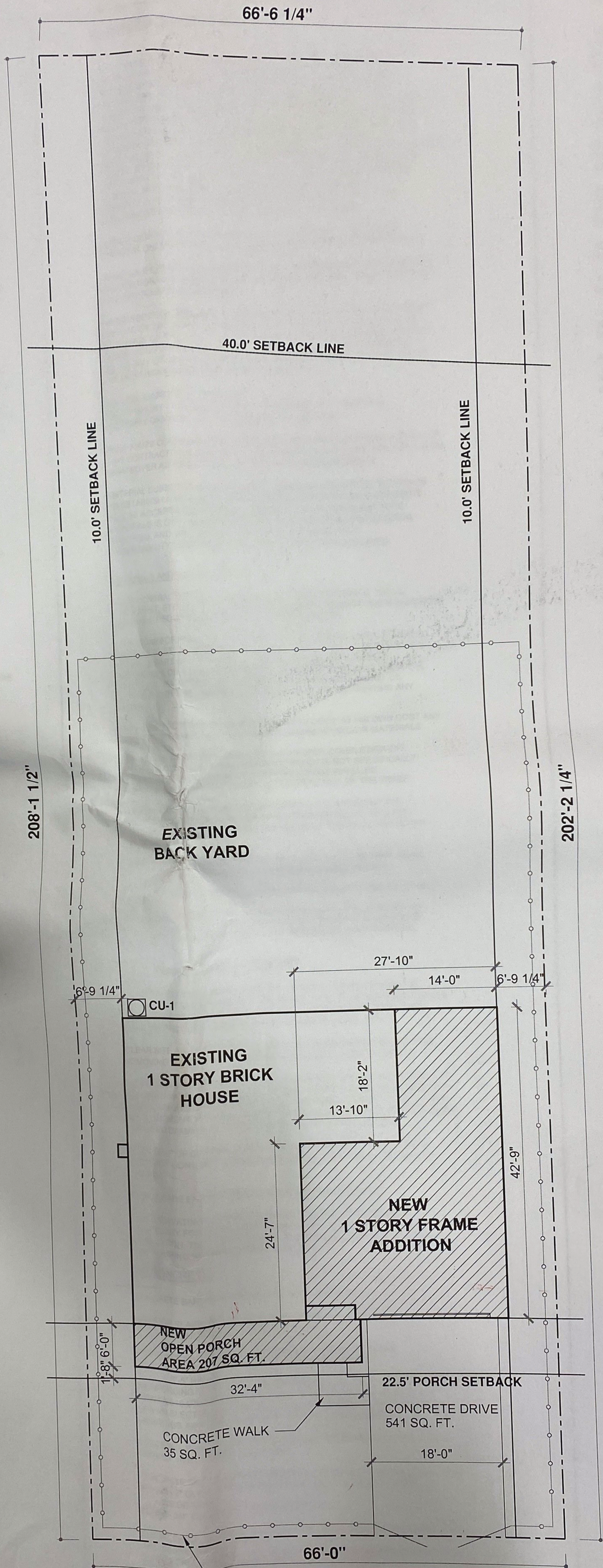
**LAND
TECHNOLOGY**

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"







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. The request was reviewed by the Zoning Board of Appeals on August 24, 2021 and went before the Village Board on October 11, 2021. The Village Board has requested additional information and remanded the request back to the Zoning Board of Appeals for further review. The Zoning Board of Appeals will conduct a second public hearing on **Tuesday, November 9, 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 SEC'TIONS 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

CIVIC CENTER 535 DUANE STREET GLEN ELLYN, IL 60137 630.469.5000 FAX 630.469.8849

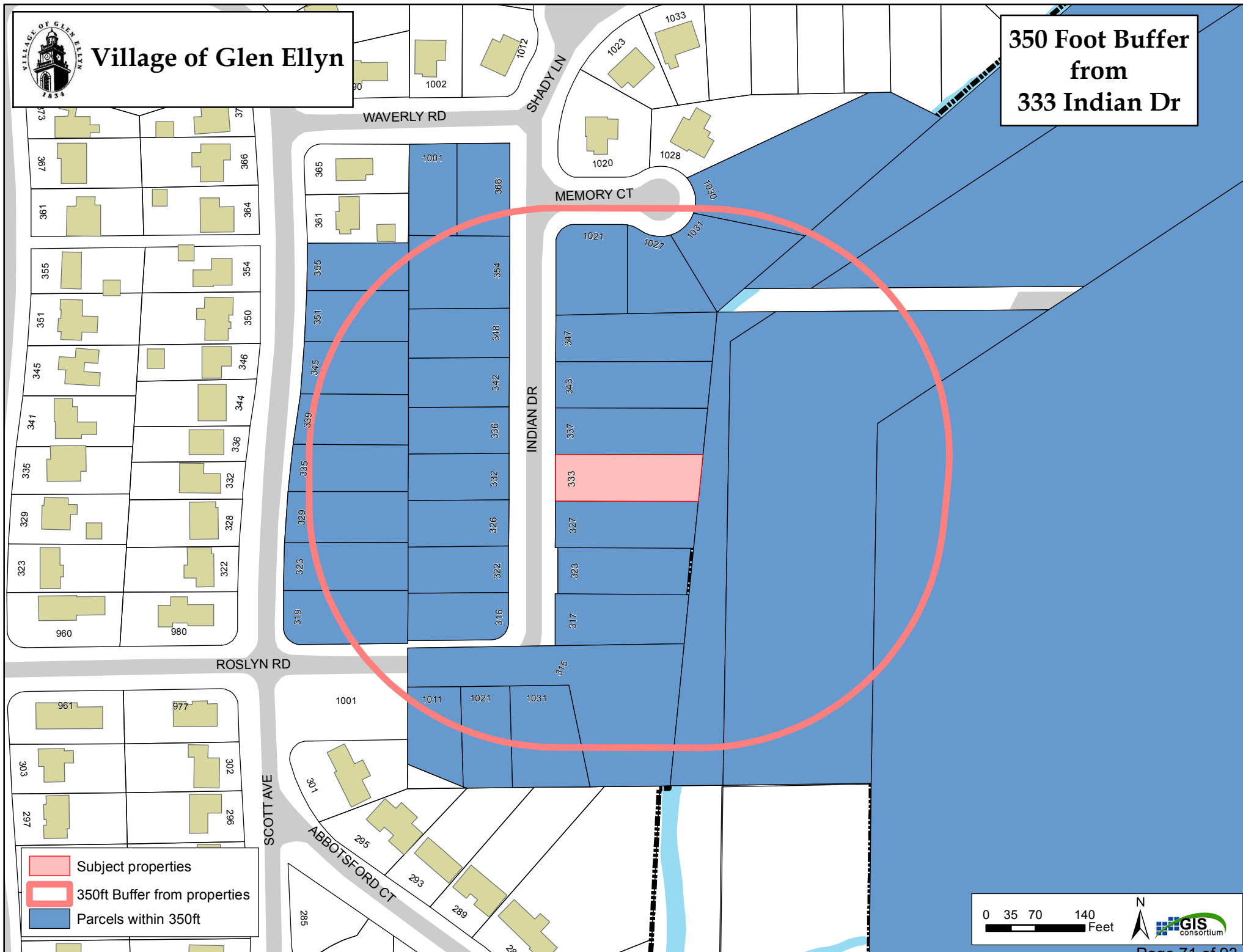


Plans are on file in the Community Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois and can be requested by contacting Atrian Fard, Planner at afard@glenellyn.org. All public comments received by 4:30 pm on Tuesday, November 9, 2021 will be read into the record at the public 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.



Village of Glen Ellyn

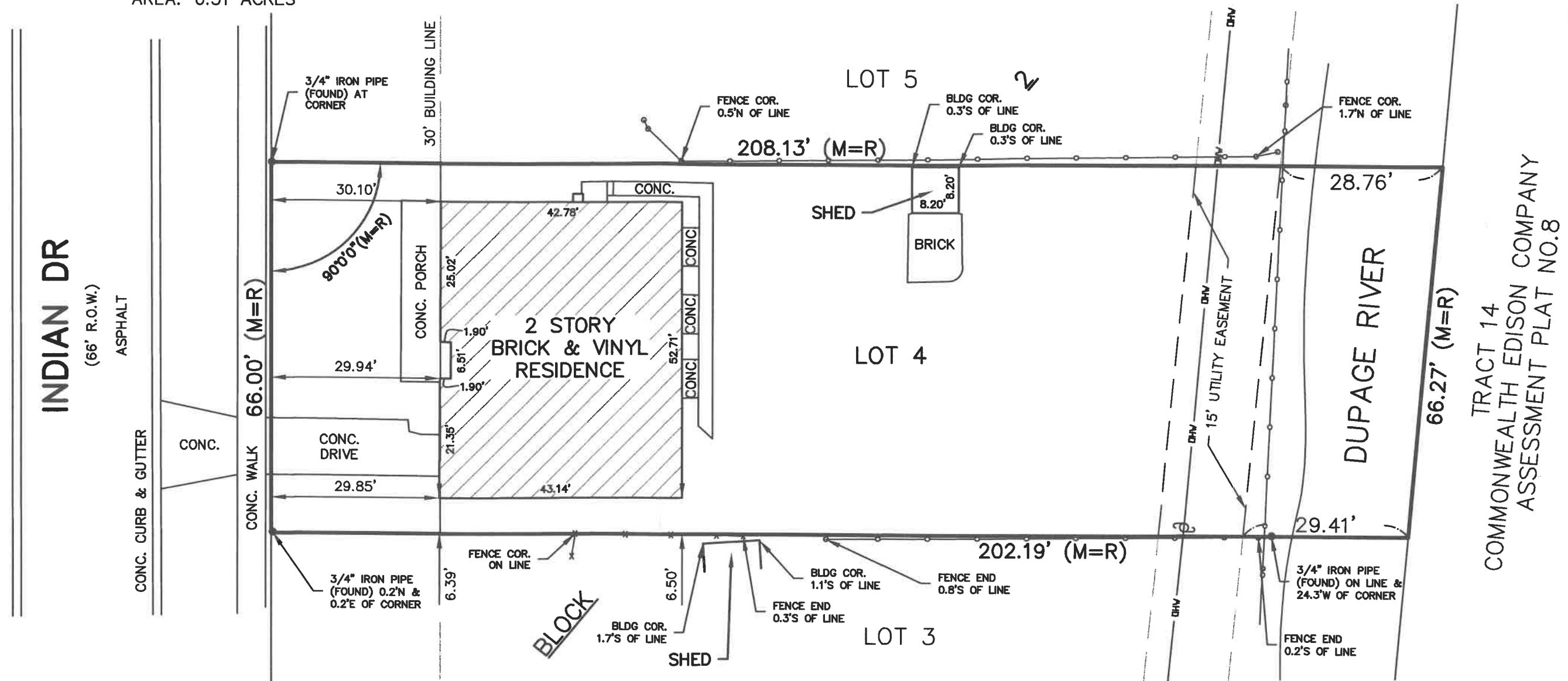
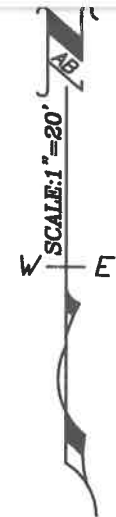
350 Foot Buffer
from
333 Indian Dr



PLAT OF SURVEY

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FIELD WORK COMPLETION DATE: 10/26/2020.

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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
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F: (630)653-6396
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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



333



AF

RECEIVED

NOV 01 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 10/22/2021 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 *Laurel Baltz*
Designee of the Publisher and Officer of the Daily Herald

Control # 4572258

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. The request was reviewed by the Zoning Board of Appeals on August 24, 2021 and went before the Village Board on October 11, 2021. The Village Board has requested additional information and remanded the request back to the Zoning Board of Appeals for further review. The Zoning Board of Appeals will conduct a second public hearing on Tuesday, November 9, 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 Ford, Planner at aford@glenellyn.org. All public comments received by 4:30 pm on Tuesday, November 9, 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 October 22, 2021 (4572258)

Atrin Khodadadi Fard

From: Ronnie Swanson <ronnie003@hotmail.com>
Sent: Saturday, October 30, 2021 4:32 PM
To: Atrin Khodadadi Fard
Subject: FW: 333 Indian Drive
Attachments: 20211030_142110_resized_1.jpg; 20211030_135352_resized_1.jpg; 20211030_134549_resized.jpg; 20211030_134319_resized.jpg; 20211030_134126_resized_1.jpg; 20211030_134143_resized_1.jpg; 20211030_134249_resized_1.jpg; 20211030_133941_resized_1.jpg; 20211030_134028_resized.jpg; 20211030_134159_resized_1.jpg; 20211030_134354_resized_1.jpg; 20211030_135241_resized_1.jpg

Dear Atrian,

Please see attached photos and letter regarding 333 Indian Drive. Please let me know that you received them. Thank you.

Ronaele Swanson

Sent from my Galaxy

October 30, 2021

Dear Atrian Fard and members of the Community Development Department of Glen Ellyn, IL,

Per my conversation with Atrian Fard, I am forwarding via attachments photos depicting the porch overhang on the addition built by Vladimir Gatalo. Also, attached are photos showing the encroachment of trees and various plant material that was done by Vladimir Gatalo at 333 Indian Drive, Glen Ellyn, IL.

To obtain the necessary photos we used a plat of survey of my residence. In order to establish the N property line of my lot we used the attached plat of survey. We used the NW foundation corner of my house and measured the 6.5 feet to the N property line. We also pulled 0.53 feet off fence corner. Said corner is located on my side of the N property line. We attached a taught string line from those 2 points to the NW corner of my lot that is marked by a surveying flag. (See attached photo)

The points were measured and staked by a civil engineer with an extensive background in property development and surveying.

I have concerns regarding the overage of Mr. Gatalo's side yard setback of the addition he is building. It is my understanding that he is over the side setback by a couple of inches with his foundation. This brings his home closer to the N side of my home, but more importantly he has erected a porch overhang of a few feet long that brings his structure very close to the property line. That I believe is a problem. (See attached photo).

Additionally, I have concerns with the encroachment of his trees and plantings that affect my property. As you can see there is an abundance of plant material that has been planted or is overhanging my property. It makes it impossible for me to access the side of my yard to do maintenance or access my cleanout. I asked Mr. Galato to remove the encroaching material on several occasions and he has not complied. I also spoke to John in the Code Enforcement Department regarding this problem. John spoke to him and it my understanding that he denies any knowledge of the problem and refuses to remove any of the plantings.

It seems that Mr. Gatalo has no regard for the codes of the Village of Glen Ellyn and thinks he can do whatever he wants even if it has a negative impact on other residents or more specifically his next-door neighbor.

I appreciate your taking the time to review this and if you have any questions, please don't hesitate to contact me. Thank you.

Sincerely,

Ronaele Swanson

327 Indian Drive

Glen Ellyn, IL 60137

630-290-3100



















A pink survey flag is planted in the ground next to a wooden stake. The flag is slightly curved and has black text printed on it. The background consists of green ground cover and dry pine needles.

LAMBERT & ASSOCIATES
LAND TECHNOLOGY
LAND SURVEYORS & ENGINEERS
(630) 653-6331
info@Lambertsurvey.com



Atrin Khodadadi Fard

From: Kelly Purvis
Sent: Friday, August 20, 2021 4:39 PM
To: Atrin Khodadadi Fard
Subject: FW: Zoning for 333 Indian Dr

Please print for the file and bring this to the ZBA meeting to be read into the record.

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

-----Original Message-----

From: Sue Wagner [<mailto:smwag1954@gmail.com>]
Sent: Friday, August 20, 2021 3:28 PM
To: Kelly Purvis <kpurvis@glenellyn.org>
Subject: Zoning for 333 Indian Dr

I am not able to attend the Public hearing on Tuesday, August 24 for the zoning issue regarding Vladimir Gatalo at 333 Indian dr in Glen Ellyn. I live next door at 337 Indian dr. I do not have any issue with the structure the way it is built right now. Please do not make the homeowner go through unnecessary changes to their home. I am totally supporting Vladimir and his wife Tatiana and hope the committee will vote in favor of keeping the home the way it has been built.

If you have any questions please call me at 630 607 4661.

Susan Wagner
337 Indian dr

Sent from my iPhone

Atrin Khodadadi Fard

From: Kelly Purvis
Sent: Monday, August 23, 2021 12:31 PM
To: Atrin Khodadadi Fard
Subject: FW: 333 Indian Dr - Public Hearing PIN 05-13-202-019

Please print for the meeting and for the file.

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: C P [mailto:cpeck12@hotmail.com]
Sent: Monday, August 23, 2021 12:27 PM
To: Kelly Purvis <kpurvis@glenellyn.org>
Subject: 333 Indian Dr - Public Hearing PIN 05-13-202-019

To Whom it May Concern,

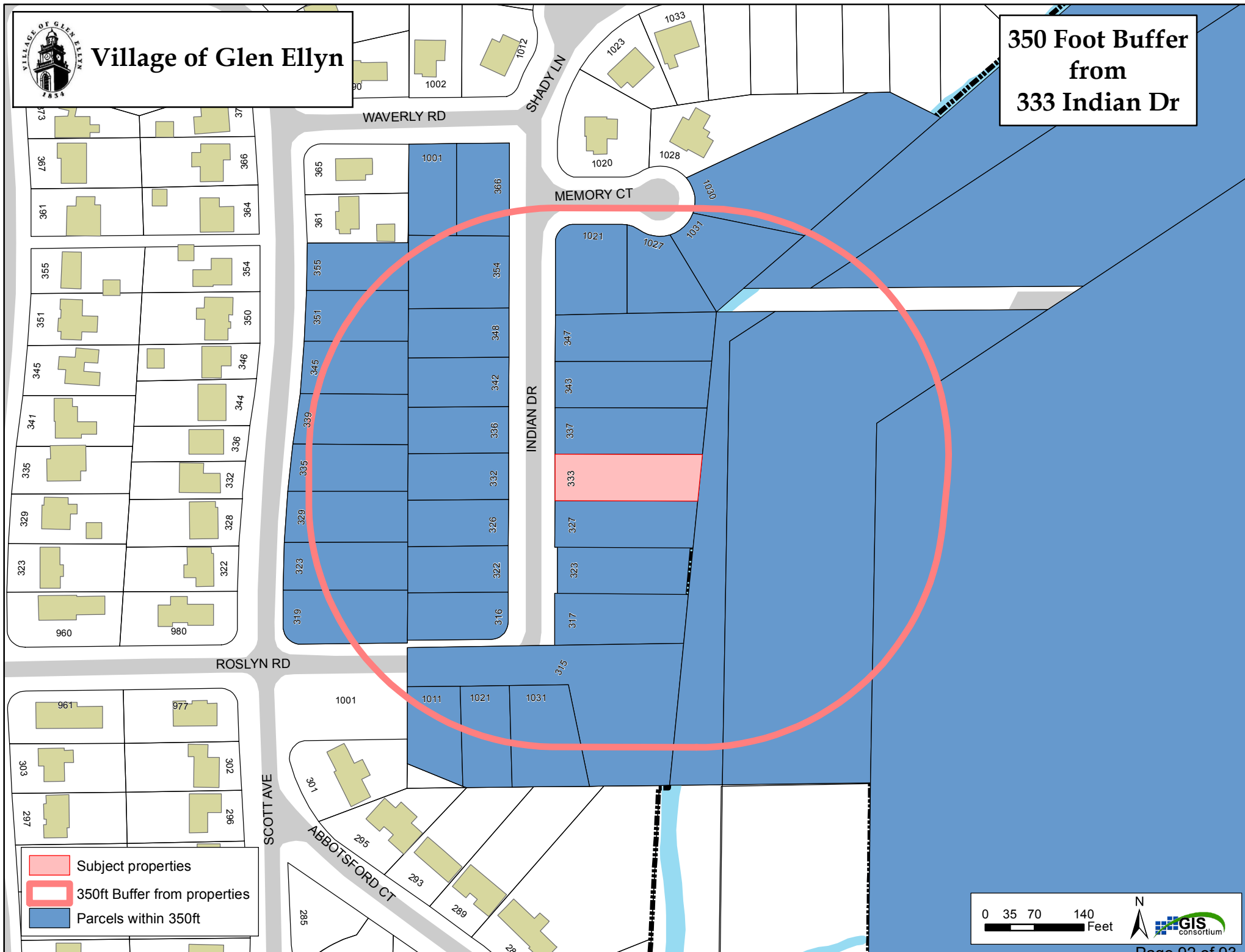
As a neighbor of Vladimir Gatalo, resident of 333 Indian Drive, I do not have issue with their zoning request and I vote to approve their appeal.

Thank you.

Connor Peckhart
343 Indian Dr.



**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