

AGENDA
Glen Ellyn Zoning Board of Appeals Meeting
Tuesday, December 14, 2021, 7:00 p.m.
Glen Ellyn Civic Center
535 Duane Street



A. Approval of the Draft Minutes from the ZBA Meeting November 9, 2021.

B. Public Hearing. 105 North Main Street -

Iwona Kapica, owner of the property at 105 N. Main Street is requesting a variation from the Zoning Code to allow for the reconstruction of a non-conforming detached garage, which encroaches into the required interior side yard by a greater amount than what is permitted for accessory structures.

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
Barbara Dutton, 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



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

Meeting 12/14/2021 7:00 PM
Department: Community Development
Department Head: Staci Springer
Category: Minutes
Prepared By: Atrin Fard

**AGENDA ITEM (ID
2021-1736)**

DOC ID: 2021-1736

Approval of the Draft Minutes from the ZBA Meeting November 9, 2021.

Statement of the Issue:

Please see attached.

Analysis:

Please see attached.

Budget Impact:

Please see attached.

Action Requested:

Please see attached.

Attachments:

1. Draft 20211109_ZBA Minutes

**DRAFT MINUTES
ZONING BOARD OF APPEALS MEETING
November 9, 2021**

Call to Order and Roll Call

The meeting was called to order at 7:03 p.m. by Board Chairperson Greg Consentino, who explained the advisory role of the Zoning Board of Appeals, and the body's operation in rendering a recommendation. He announced the topic of the evening's Public Hearing: the property at 333 Indian Drive.

Roll was called. Present: Chairperson Consentino and Board Members Matthew Jones, Katie Crudele, Michelle Covington, Chip Miller, Reed Panther and Thomas Whalls. Absent: Maggie Wachter. Chairperson Consentino reviewed procedure for the Hearing and introduced Village Planning Manager Kelly Purvis, Planner Atrian Fard, Board of Trustees Liaison Anne Gould, and Recording Secretary Barb Dutton.

Approval of Meeting Minutes

Following a motion by Chip Miller, seconded by Reed Panther, to approve the draft minutes of the August 24, 2021, the motion carried unanimously by roll call vote.

Public Hearing for 333 Indian Drive

A motion was made by Katie Crudele, seconded by Michelle Covington, to open the Public Hearing concerning consideration of a zoning variation for 333 Indian Drive. The motion passed upon voice vote.

Staff Presentation

Sworn in were Kelly Purvis, Planning Manager; Atrian Fard, Planner; and Steve Witt, Building and Zoning Official, all of 535 Duane Street, Glen Ellyn. Ms. Fard stated that the Applicants are requesting three Construction Necessitated Zoning Variations: the encroachment of a building addition into the front and interior side yard setbacks, and to allow the addition to be closer to the street than the closest principal structure, which is to the south. 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 reviewed the history of the case: A permit for an addition was issued in July 2013, and construction ensued from 2013 but then slowed due to finances, though continues to this day. During these years, continued Ms. Fard, homeowners Vladimir and Tatiana Gatalo received multiple permit extensions and requested several inspections. Though a foundation survey was required after footing inspection to validate the location of the addition relative to the property lines, related Ms. Fard, Village records show none was submitted, yet work continued, with further inspection requests from the homeowners. Upon Village's request, a new plat of survey was submitted in November 2020, and an ensuing inspection identified a 2.52-in. encroachment to the 6.6-ft. side yard setback. In January 2021 the homeowners notified the Village that they wished to pursue a Construction-Necessitated Zoning Variation to legalize the new building addition. The Plat was revisited by Lambert & Associates, noted Ms. Fard, and an updated survey provided with two notes indicating that setback measurements reflected on the plat of survey are measured from the walls of the structure, not from the foundation; and the concrete foundation is another .14 ft. and .16 ft. away from the property line, a lesser encroachment. She

stated that while the Petitioner attributes the unlawful addition to mistakes made by the concrete contractor, the homeowner is listed as the concrete contractor in the Village records.

In August 2021, staff found an encroachment of 1.8 in. into the front yard setback. Moreover, the building addition seems to be approximately 1' closer to the street than the closest building to the south. These nonconformities triggered the second and third variation requests. The case was considered at the August 24 meeting Zoning Board of Appeals, which was split as to whether there was a practical difficulty, with some members seeing the hardship mainly created by the Petitioner, as plans of construction were not followed. Other members saw the infractions as minimal. Due to insufficient votes to recommend approval, the Village Board remanded the matter back to the ZBA for further consideration due to lack of clarity, and with the charge that contact information for the concrete provider be provided. Staff requested this, and the Petitioner claimed the provider was Frank Spacil, though records indicated that Spacil has not done work in the Village, where he is registered. When contacted, Mr. Spacil said he didn't recall working with the Petitioners. And while he was asked to check his company records, Ms. Fard said he was not responsive to follow-up calls and e-mails, prompting Staff to request an affidavit of truth signed by the Petitioner to confirm the name and contact information of the contractor and his involvement in the concrete work. Per the Board request for a cost estimate of work to remedy the setback, the Petitioner provided an estimate of \$56,196, while the Village Building & Zoning Official obtained from another builder a quote of approximately \$35,000 to move the offending wall and cut 4-inches from the foundation. Ms. Fard concluded by stating that the Building & Zoning Official anticipates additional building issues upon further inspection of the project.

Z Questions

Board Member Jones asked how many inspections still need to be done before the final one. Steve Witt listed several that were supposed to have been done but were not, and listed several yet to be performed, including electrical and mechanical, and said the project needs to be reviewed for changes. Board Member Jones asked how much longer it would take a full crew to finish the job. Mr. Witt responded that it could probably take two to three months. Citing in particular a span of concern, Mr. Witt suggested that further issues could emerge. Board Member Whalls what Code specifies for the bay window relative to setback. Ms. Fard stated that it is not a bay window encroaching, but an overhang –an issue yet for resolution. Mr. Whalls asked if the issue of being closer to the front yard than adjacent neighbor shouldn't have been discovered upon foundation inspection. Mr. Witt replied that building inspectors are not surveyors, so are reliant on the survey. He said he doesn't know why the discrepancy wasn't picked up, since the inspection was before his time, but deemed such a rare occurrence. Mr. Whalls asked about permit extension policy. Mr. Witt responded that this seems to be an ongoing issue, and explained that people have life experiences that interfere with progress. He said that as long as permits are kept current, Staff has no "threshold" and that stopping an unfinished project is counterproductive. Mr. Whalls asked if there was no drywall in part of the building. Mr. Witt, said, "Yes." Mr. Whalls asked for clarification of the setback variation. Chairperson Consentino remarked that the revised survey indicates less of an encroachment than previously thought. Ms. Fard responded that the side is .84 inches, and that the front is a micro inch, but indicated that the distance from the front as compared to the neighbor is still significant. Board Member Covington asked if inspectors go on a property without a plat of survey. Mr. Witt said Village inspectors "religiously" pull the project file and take photos of what to inspect from the Plat of Survey, but can't attest to how things were done years ago.

Ms. Covington said she was trying to gain an understanding of the time period of activity. Ms. Fard said a foundation survey needs to be provided to advance a project, and one was never submitted in this case. Some requested inspections passed, she reported, while some failed and were addressed. The Village eventually requested a plat of survey, she continued, and subsequent review of the property found more nonconformities. Board Member Panther asked if the variance relative to the front lot line compared to the neighbor should have been caught when the permit was issued. Ms. Fard said she had little knowledge of the initial permitting, and that Code could have changed. Mr. Panther asked if there is a tolerance for margin of error. Mr. Witt said he couldn't answer that, as he didn't know what industry standard would be. He said that Staff has to rely on Lambert, as their submittal provides for certification.

Board Member Miller asked for details of Staff's communication with Frank Spacil. Ms. Fard said that in her conversation with Mr. Spacil she sensed he was uncomfortable answering her question about a project from a couple of years ago, and that he told her he didn't recall working on the project and claimed he didn't know the Gatalos, she insisted he check his records. (She thought the Petitioner might be able to talk about a call she believed they subsequently received from Spacil.) Upon receiving no response to her attempts at follow-up, she said Staff decided to obtain an affidavit of truth from the Homeowners.

Board Member Crudele asked how recently the Petitioner took ownership of the concrete. Referencing a form filed at the time of permit application, Planner Fard explained that Staff can't keep track of contractor changes, but said that Mr. Gatalo could have reported a contractor change, though no change was entered. Ms. Crudele asked if the Plat of Survey was done recently. Ms. Fard replied that the version under discussion was performed in October 2020, but that two notes concerning setback were submitted today. Board Member Miller asked the original date of the permit application. Staff responded that it was May 30, 2013 (and that the building permit issued July 15, 2013).

Chairperson Consentino asked if the overhang is an issue. Planner Fard indicated that it is, but said Staff's approach is to have the homeowner cut it back to be in compliance. Perceiving that open items remain, the Chairperson asked if the ZBA is premature in considering the matter. Thinking the Body could be seeing the case again, he expressed concern about taking a piecemeal approach in the protracted case. Ms. Fard acknowledged that more (specifically building) issues are probable. The Chairperson asked if the Petitioner will be able to proceed with the project without resolution of the issues at hand. Ms. Fard stated that not until approval is granted. The Chairperson said he fears recommendation of the variation requested, and six months from now the subject property will be back in the Village's lap, and expressed that he wants to avoid further zoning issues. Planning Manager Purvis stated she believes that most issues will be inside building items, and that the Petitioner will be asked to correct the overhang. Member Miller asked about the second floor situation, to which Ms. Purvis said the lot coverage is fine.

Board member Whalls said he construed the second floor to be an attic, to which Ms. Purvis replied that plumbing is in place (but that it could be removed). Member Jones asked if this project has been red flagged. Mr. Witt replied, "No," but said that without approval this evening, the project couldn't move forward, and suggested attaching a condition of approval that the overhang be corrected, which if not met could be addressed through enforcement action, and suggested the Building Department evaluate the project before the Village Board meeting. Mr. Miller asked if the ZBA could put in a condition requiring all non-compliant issues are brought into Code before the project is allowed to proceed. Board Member Jones said he would rather just look at the variances and the overhang before adding restrictions. Mr. Witt stated that it would be unusual for this Board to make a requirement for building-related issues for approval, but added that while these are separate issues from zoning, and that the Village has ways to address them.

Petitioner's Presentation

Sworn in, Steven Khoury, 6N736 Medinah Road, Medinah, Illinois, explained that he is speaking on behalf of the Petitioners (with whom he is friends) because of a language barrier, and acknowledged that the homeowner made “missteps.” Mr. Khoury asked whether it had been specified that a foundation location survey was required as a permit condition. Wondering if the front yard setback requirement is established/communicated prior to permitting, he maintained that even though the setback isn’t in line with the adjacent neighbor’s setback, the plan was in compliance with a 30-ft. setback. The 6.6-ft. side yard setback, he said, has also been “provided for.” Mr. Khoury identified a hardship in miscommunication between the homeowner and the surveyor and contractor. He attributed the concrete contractor’s “denial” to fear of litigation, but stated that the Petitioner could produce a cancelled check to the contractor. He said that money has been a problem for the Petitioner, who is not a building contractor, hence, the inability to complete the work begun. Wondering if this account was just Mr. Khoury’s “read” on the situation, Chairperson Consentino asked for Mr. Khoury’s confirmation that he hadn’t participated in preparation of the plans, or the construction, or assisted with anything, or been inside the building. Mr. Khoury indicated he had not. The Chairperson said it seems that maybe the inference is that the Village contributed to the majority of the problem. Mr. Khoury replied that he is not insinuating that, but contended “there is an equal responsibility here,” and suggesting that problems could have been avoided if the Village had made sure the foundation location survey was in place at the time the foundation was done. And, while the Petitioner bears culpability, Mr. Khoury said the homeowner could attend to a shed roof violation, and that he is asking for leniency and consideration. Expressing favor for an approach that prohibits work and inspections occurring without a foundation survey being submitted and approved, Mr. Khoury said if this was not the case it suggests miscommunication at the Village.

Citing inconsistencies in the story and pointing out that the Petitioner had signed up as a contractor, Chairperson Consentino expressed the charge made by the Village Board relative to clearing up the issue surrounding the responsibility of the concrete work by getting information that has been elusive, and to have a better understanding so that the ZBA can make a better recommendation to the Village Board. Mr. Khoury argued that survey standards vary, and stated that the homeowner will hire someone to alleviate the concrete problem. He said he didn’t understand how inspections kept being done, and that perhaps the Village shouldn’t issue building permits to residents unless they have relevant experience or provide all of the information, and floated the idea of temporary licenses. Mr. Jones asked Mr. Khoury if he was making a recommendation for how to prevent this in the future. Mr. Khoury responded affirmatively, and said the homeowner “took on more than he should have.”

Board Member Jones related that the County allows 10 percent over-the-counter variances with the approval of neighbors, and wondered if Mr. Khoury knew if other municipalities don’t require fixing an error if it is within tolerance. Mr. Khoury replied not having that issue in his experience, but suggested that tolerances could be off if the surveyor’s GPS instruments aren’t calibrated on a regular basis. He blamed the Village for the “line of sight” mishap, in that the surveyor or engineer who prepared the site plan could have just been following the recorded plat.

Board Member Covington asked how the homeowner was allowed to be the contractor when other contractors need to be registered. Mr. Witt explained that the Village doesn’t have a contractor registration process in place since repealing one about two years ago. Prior to that, he stated, homeowners were allowed to be their own contractor and do their own work. He said the Village doesn’t test them or seek qualifications, though did cite restrictions related to plumbing trades. “It’s a reasonable thing that people

can work on their homes,” he declared. Mr. Khoury said they should be allowed to work on their own properties, as it is his understanding that inspectors can flag a problem.

Board Member Miller asked if there was a cancelled check for the concrete work. Mr. Khoury said the Petitioner will look for it, but wondered how doing so would help correct the issue. Mr. Miller said he spots inconsistencies in the narrative, so to provide proof, asked the Petitioner to bring the cancelled cash check to the Village Board. Mr. Khoury asked what doing so would solve. Chairperson Consentino interjected that the action is to aid an effort to establish contractor reliability and competence. Mr. Miller, who said the question is one of integrity, said a check would give credence to the story.

Mr. Witt stated that a foundation survey was named on lists of inspections, so it’s not like it wasn’t there. The drawings, he added, were not prepared by the homeowner, but reflect a design professional’s work. Designers have a responsibility to verify compliance. He said projects need to be constructed in accordance with Village codes and requirements, regardless of any mistakes by Staff. Planner Fard stated that she asked for proof of payment, and also said that she perceives a “lot of inconsistencies” in the story, as well as asked the Board to consider why plans that were approved were ignored.

Following a review of the new dimensions by the Board, Member Panther delivered a rundown of the findings of fact. Board Member Jones asked for a motion to accept the findings of fact; seconded by Board Member Whalls, the motion passed upon voice vote.

Board Deliberations

Board Member Jones said he wished to focus on the zoning variances, which he called “micro-inches” rather than building issues in the ZBA meeting. He said he was okay with granting the variances, and said that, “The Building Department will have to take care of the rest of the house.” Board Member Whalls said he finds no storm-water issues, noted one disapproving neighbor and two approving, and said the overhang on the door has to be ameliorated. And while it was voiced that the front-yard setback issue should have been caught, it is still “infinitesimal.” Replying to his query as to whether the .84-in. variation could have been approved administratively, Planning Manager Purvis said that Staff can’t approve construction-necessitated variations, but would probably would have let the .84-ft. encroachment go had it been identified sooner. She pointed out a correction relative to an old plat of survey that confirms the distance of the neighboring house to the south to the front property line is only 30.19 feet, which is closer than what had been originally considered. So, the variation request is only for 4 inches, not one foot.

Remarking that “this is messy on both sides,” Mr. Whalls voiced approval of the variations requested. Board Member Covington observed that the actual encroachment is miniscule, and said it doesn’t bother her. Although she perceived issues with the process, she expressed that she is focused on the two variances “in play tonight,” and is fine with these. Citing a similar experience with process, Board Member Panther said that since the variation is miniscule so he is comfortable approving it. Member Miller indicated he could see ignorance, but not hardship. Faulting the homeowner, he rejected the requests. Also using the term, “miniscule,” Ms. Crudele said she was in favor of the variances. Chairperson Consentino said he was highly conflicted. He explained that he doesn’t agree 100 percent with Mr. Khoury’s characterization of responsibility, but given the “unique circumstance” that exists to a certain extent – and which he isn’t convinced is the fault of the owner – he said the Board needs to concentrate on the zoning request before it. Because the variations involve only hundredths of a foot, he said for strictly zoning purposes he would be in favor of granting the variations, but expressed the hope that the matter would not become piecemeal in nature.

Mr. Whalls, seconded by Mr. Miller, moved for the following:

Having considered the application of Mr. 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 4" 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 6.53' 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 November 9, 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 hardships or unique circumstances:

1. Unique survey issues not corrected;
2. Micro inch values and little variation requests;

The motion carried by voice vote as follows: Six (6) yes votes; Board Members Whalls, Jones, Crudele, Covington and Panther and Chairperson Consentino all voted yes; One (1) no vote, by Member Miller.

Planning Manager Purvis said that a note could be made to convey that the ZBA is making a recommendation to bring the check in to the Village Board.

A motion to close the Public Hearing was made by Member Whalls, seconded by Member Crudele, the motion passed unanimously by voice vote.

Staff Report

Planning Manager Purvis reported that one item is slated for the first meeting in December ZBA. Board Member Miller asked about joining meetings remotely when on the road for business. Ms. Purvis, who explained that members can participate in a meeting remotely due to family emergencies or Board member illness or being out of town for work, but that remote participation can be accomplished only via phone, not Zoom.

Trustee's Report

Trustee Liaison Anne Gould reported that the Board has met three times to consider the budget, and will be having an upcoming workshop on it. She also said that the Village has hired a consultant to perform a feasibility analysis for the Roosevelt Road hotel property, the concept for development of the U.S. Bank site has changed from five to four floors of units; and Apex 400 has been approved up to 64 feet.

Adjournment

Chairman Consentino adjourned the meeting at 9:16 p.m., following a voice vote on a motion made by Board Member Whalls, and seconded by Board Member Jones.

Respectfully submitted,

Barbara Dutton-Thomas

Recording Secretary



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

Meeting 12/14/2021 7:00 PM
Department: Community Development
Department Head: Staci Springer
Category: Public Hearing
Prepared By: Joshua Hankins

**AGENDA ITEM (ID
2021-1742)**

DOC ID: 2021-1742

105 N. Main Street- A variation to allow for the reconstruction of a garage.

Statement of the Issue:

See attached Staff Report.

Analysis:

Budget Impact:

Action Requested:

Attachments:

1. 105 N Main Staff Report
2. 1. Aerial Photo
3. 2. Zoning Map
4. 3. 1' Contour Map
5. 4. Application
6. 5. Existing Condition Photos
7. 6. Plat of Survey- with proposed Conditions
8. 7. 105 Main Public Notice
9. 8. Certificate of Publication
10. 9. Buffer Map
11. 10. Mailing List

STAFF REPORT

TO: The Zoning Board of Appeals

FROM: Kelly Purvis, AICP, Planning Manager
Josh Hankins, Planning Intern

DATE: November 29, 2021

SUBJECT: *December 14, 2021 Zoning Board of Appeals Meeting*
Public Hearing – Zoning Variation request to allow the reconstruction of a non-conforming detached garage, which encroaches into the required interior side yard for accessory structures by a greater amount than what is permitted.

PROPERTY: 105 N. Main Street, is an interior lot, located on the east side of N. Main Street between Fairview Avenue and Joyce Court.

PETITIONERS: The petitioner is Iwona Kapica, owner of the property located at 105 N. Main Street.

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

1. Section 10-5-4(A)4c to allow the reconstruction of a non-conforming garage that will have a setback of approximately 3.26 feet from the side property line, in lieu of the required 4.7 feet side yard setback required in the R2 Residential Zoning District.
2. Any other zoning relief necessary to construct the project as depicted on the plans presented or revised at the public hearing or at a public meeting of the Village Board.

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

PUBLIC NOTICE: Notice of the public hearing was published in the November 26, 2021 edition of the Daily Herald, mailed to property owners within 250 feet of the subject property, and a placard was placed on the property.

ZONING HISTORY: The Village does not have records of any prior variations being granted for the subject property.

PERMIT HISTORY:

Year	Permit No.	Type
1958	B6932	New Single-Family Home
1959	7068	Garage Construction

2009	20091560	Clearwater Connection
2011	20110896	Air Conditioner
2011	20110992	Driveway
2013	20130266	Air Conditioner
2015	20152028	Clearwater Connection
2020	20201295	Residential Remodel

HISTORY:

The subject property is located on a lot that is approximately 8,746 square feet in size with a lot width of approximately 94 feet. The lot has no other free standing accessory structures other than the existing detached garage that was constructed in 1959. The existing garage is 20 feet 10 inches wide by 22 feet long (442 square feet in area) and is currently located 3.36 feet from the south property line. The petitioner has stated that the garage is in disrepair structurally and that one corner has collapsed, the roof is leaking, and the foundation is cracked in many spots. Instead of only replacing the roof, which is the most pressing issue, they have decided to replace the entire garage as they believe complete reconstruction will be necessary soon. The existing structure is currently a legal non-conforming structure due to the setback.

PROPOSED

The petitioner proposes to construct a 506 square-foot two-car, detached garage in the existing location of their current garage. The petitioner has made plans to extend the garage approximately two feet west, towards the front of the property, and one foot north, towards the principal structure. The Zoning Code requires accessory structures to be located no less than 5% of the lot width from all property lines. The proposed garage would be located 3.26 feet from the side property line, in lieu of the required 4.7 feet required by Village Code. The petitioner has stated, if the Zoning Board of Appeals objects to this expansion of the garage, that she will just replace the garage in its current location, with no expansion.

ZBA ACTION

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

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

ATTACHMENTS

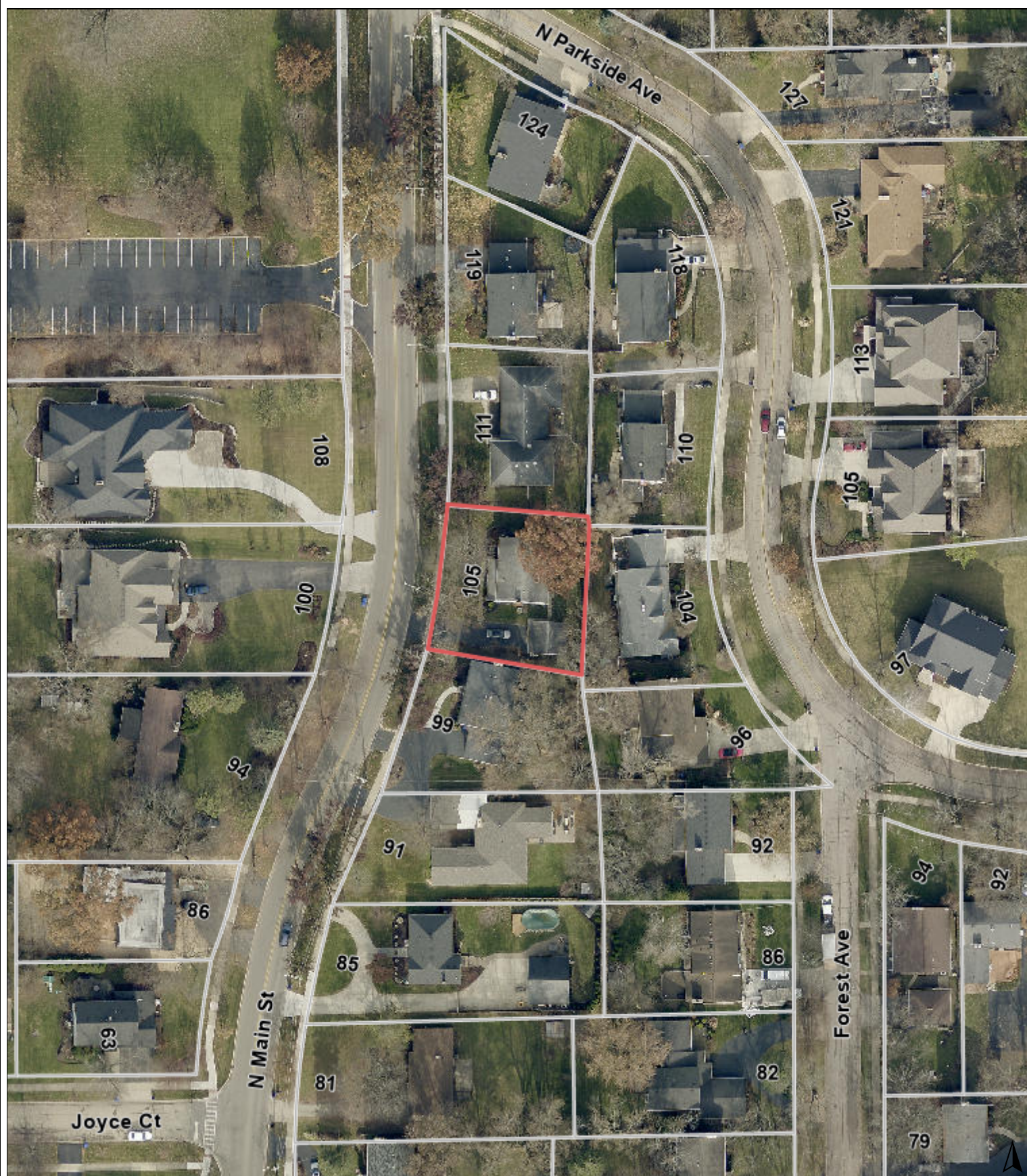
1. Aerial Photo
2. Zoning Map
3. 1' Contour Map
4. Application
5. Existing Conditions Photos
6. Plat of Survey – with proposed conditions
7. 105 Main Public Notice
8. Certification of Publication

9. Buffer Map
10. Mailing List

CC:

Staci Springer, Director of Community Development
Kelly Purvis, Planning Manager
Paula Moritz, Plan Reviewer
Iwona, Kapica, Applicant

X:\Plandev\BUILDING\ZBA\5. VARIATION BY ADDRESS\M\MAIN\105 N. Main\Meeting Materials

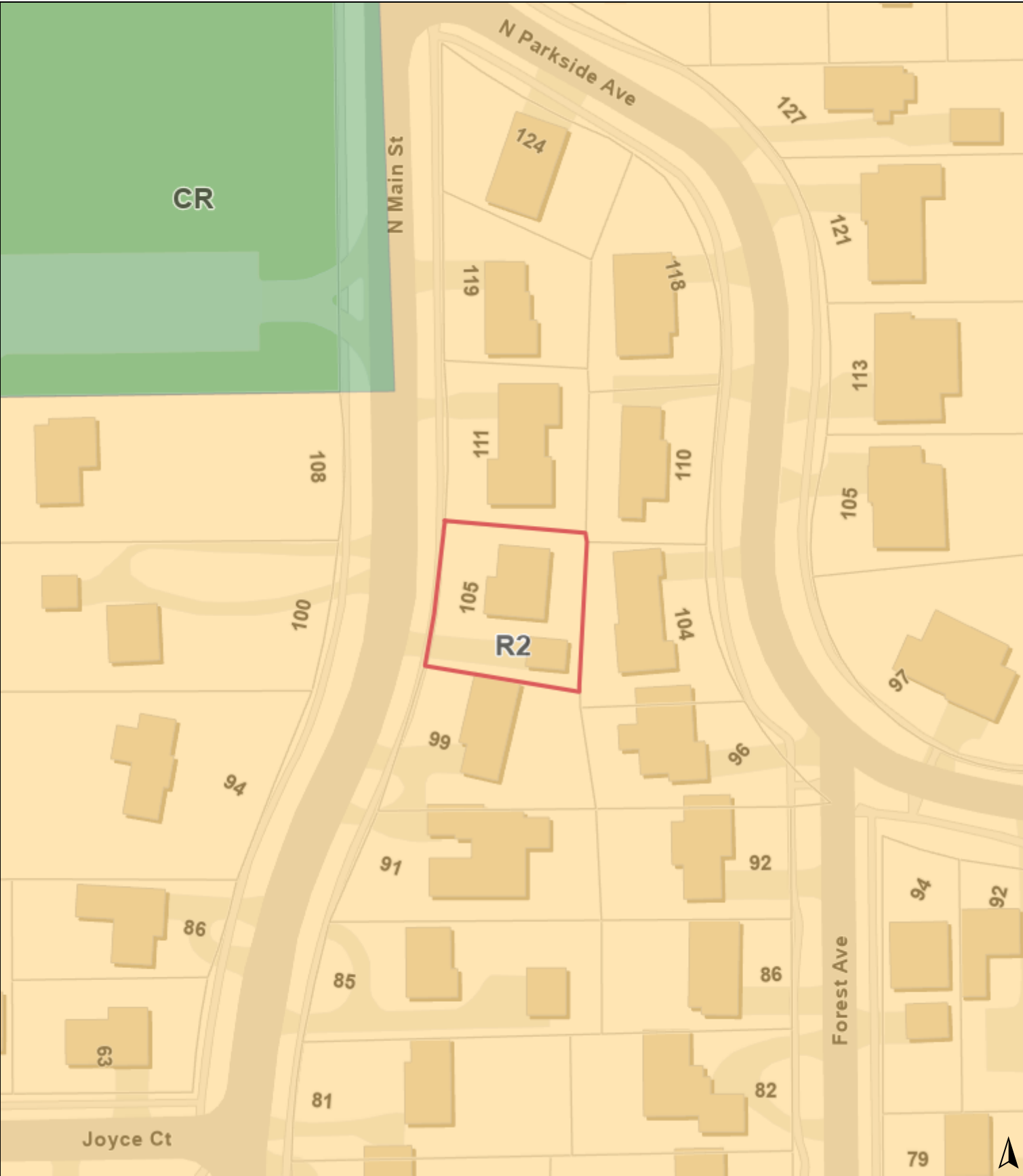


0 100 200
ft

Print Date: 11/29/2021

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.

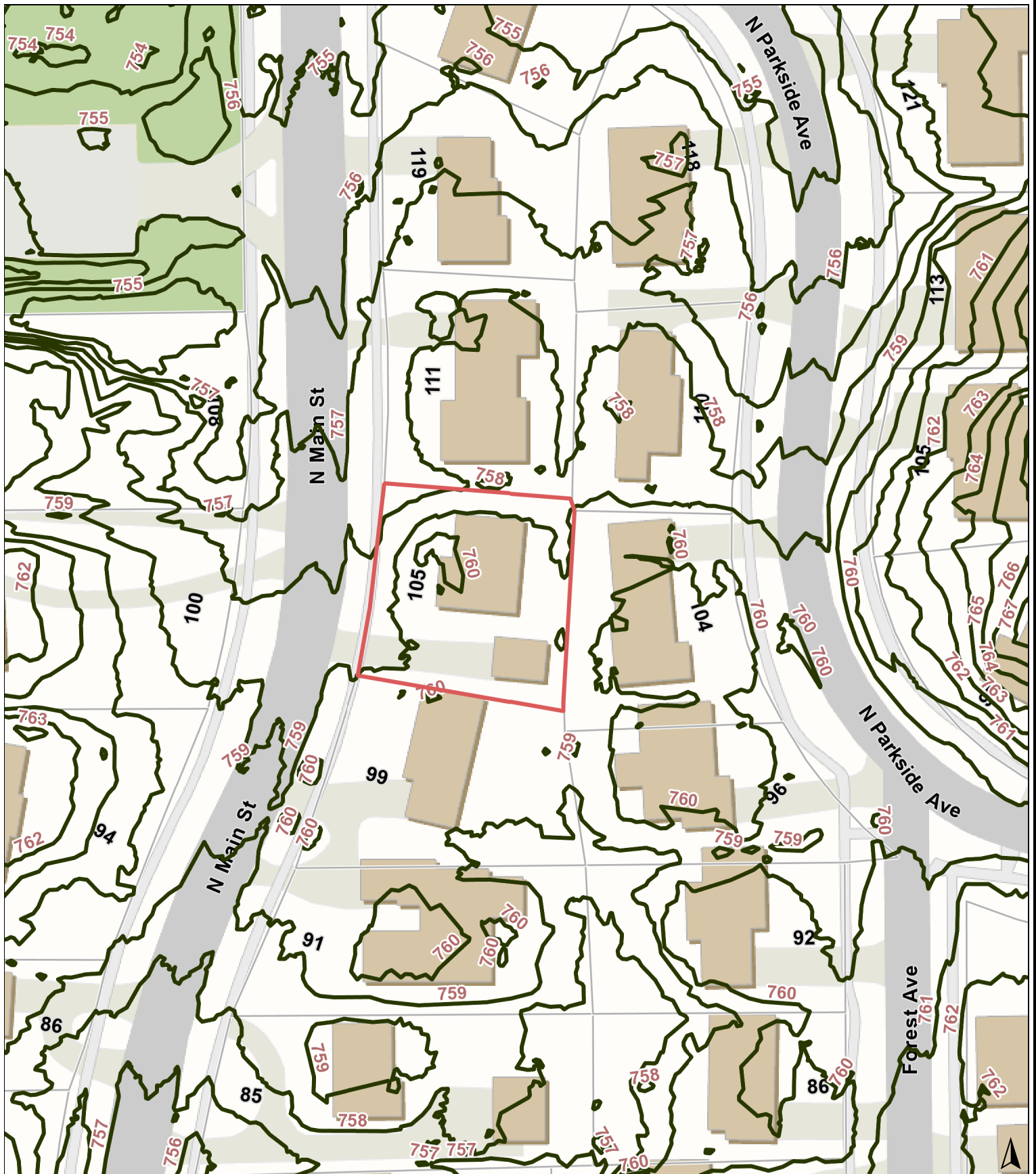


0 100 200 ft

Print Date: 11/29/2021

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.



0 50 100
ft

Print Date: 11/29/2021

Notes

Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

RECEIVED

AUG 27 2021

VILLAGE OF GLEN ELLYN

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

CLEAR ALL PAGES

APPLICATION FOR VARIATION

For the property at 105 N Main St Glen Ellyn, IL 60137

Note to the Applicant: This application should be filed with, and any questions regarding it, should be directed to the Director of the Village Community Development Department.

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

The undersigned hereby petitions the Village of Glen Ellyn, Illinois, for one or more variations from the Glen Ellyn Zoning Code (Ordinance No. 3617-Z, as amended), as described in this application.

I. APPLICANT INFORMATION:

(Note: The applicant must comply with Section 10-10-10(B) of the Zoning Code).

Name: Iwona Kapica

Address: 105 N Main St

Home Phone No.: _____ Cell Phone No.: 708-769-2232

Fax No.: _____

E-mail: ikapica2013@gmail.com

Ownership Interest in the Property in Question:

I own the property.

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

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

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

N/A

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

N/A

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

☐ YES

☒ NO

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

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

☐ YES

☒ NO

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

III. PROPERTY INFORMATION:

Common address: 105 N Main St, Glen Ellyn IL 60137

Permanent tax index number: 05-14-309-004

Legal description:

Please see attached document.

Zoning classification: _____

Lot size: 94.2x88.6 ft. x 96.4x100 ft.

Area: 8,749 sq. ft.

Present use:

Single family
R2

IV. INFORMATION REGARDING THE VARIATION(S) REQUESTED:

Description of the variation(s) requested (including identification of the Zoning Code provisions from which variation is sought) and proposed use(s):

We are seeking a variation from section 10-5-4(A)4c to allow for the reconstruction of a garage that at it's closest point to the side yard property line measures 3.36 feet.

Estimated date to begin construction: Spring 2022

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

I don't have them yet.

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

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

A. Standards Applicable to All Variations Requested:

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

The size and shape of my lot is difficult to work with. Usually the GE lots are long and narrow, mine is the opposite. That creates problems with the garage placement.

2. a. Provide evidence that the property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the Zoning Code (i.e., without one or more variations):

The garage was built in 1959. It is in a bad shape structurally. One corner has collapsed, the roof is leaking. The foundation is cracked all over.

OR

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

Lot is not typical compared to others in GE. I'm assuming it was the reason for the previous owner to put the garage where it is now. There's simply no other spot to build it.

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

I am asking for permission to rebuild the existing garage in exactly the same spot.

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

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

The shape of my lot creates an issue here. It dictates the placement of the garage and it looks like it can't be build anywhere else. The plan is to rebuild the garage in the same spot.

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

As stated earlier, the shape of my lot is not typical for GE. It is smaller and shallower compared to the neighboring lots. On top of that my garage is detached whereas my neighbors have attached garages.

3. Provide evidence that the purpose of the variation is not based exclusively upon a desire to make more money out of the property in question:

This is for basic maintenance of the structure. I don't want it to collapse on the cars.

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

The garage was built in 1959 and it is in need of rebuilding.
Please see attached photos.

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.

Nothing is going to change from where it is right now.

6. Provide evidence that the proposed variation will not:

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

The garage will be build in the same spot it is now.

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

This will not increase the chance for fire over the structure's current location.

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

A detached garage is a common accessory building in GE, and it will not have an impact on public health.

d. Diminish or impair property values within the neighborhood;

To the contrary. I hope that it will not only beautify the area, but it might also bring the values up.

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

The structure is for private use and it will not impact traffic.

f. Create a nuisance; or

We are planning to build with new materials, merely replacing what's already there.

- g. Results in an increase in public expenditures.

Proposed garage will have no public financial impact.

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

I'm asking for the Board to let us rebuild our old garage by replacing it with a new one in it's place. I had contractors come over saying that it is no longer salvageable.

Having said that, we have two large cars: a full size van, SUV, and a sophomore, who sooner or later will need a car on his own. We were wondering if we could expand it 2 feet forward, for a better fit. I feel like it would make a difference in a day to day activities. (Please see attached drawing.)

However, if the ZBA doesn't approve that expansion, we will be happy to rebuild the same size garage in it's current location.

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

Ever since I applied for a building permit over a year ago now, we've been renovating the house inside and out to our own, and our neighbors content. So many people, even strangers, were coming over saying thank you for making a difference on the street. Honestly it kept us going these past months, because non of it was easy.

We haven't planned to touch the garage. Only wanted to fix the leaking roof, but it has turned out to be a project where we need a variance.

So I kindly ask the Board to grant me permission to rebuild the garage, so we can finish what we've started, and finally enjoy our home.

Thank you for your time and consideration.

Iwona Kapica



RECEIVED
AUG 27 2021
VILLAGE OF GLEN ELLYN

SCALE: 1"=20'

Page 26 of 30



NOTICE OF PUBLIC HEARING

Iwona Kapica, owner of the property located at 105 N. Main Street, is requesting a public hearing for a zoning variation in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code. Before the Glen Ellyn Village Board can consider this request, the Glen Ellyn Zoning Board of Appeals must conduct a public hearing. The Zoning Board of Appeals will conduct a public hearing on Tuesday, December 14, 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 zoning variation from the Glen Ellyn Zoning Code as follows:

1. Section 10-5-4(A)4c to allow the reconstruction of a non-conforming garage that will have a setback of approximately 3.26 feet from the side property line, in lieu of the required 4.7-foot side yard setback required in the R2 Residential District.

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

LOT 7 IN HUB REALTY CO'S SUBDIVISION OF LOT OR BLOCK 24 IN E.W. ZANDER'S COUNTRY HOMES ADDITION TO GLEN ELLYN, IN SECTION 14, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID HUB REALTY CO'S SUBDIVISION RECORDED JANUARY 30, 1958 AS DOCUMENT NO. 869490, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-14-309-004

Plans are on file in the Community Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois and can be requested by contacting Josh Hankins, Planning Intern at jhankins@glenellyn.org. All public comments received by 4:30 pm on Tuesday, December 14, 2021 will be read into the record at the public hearing. For individuals with disabilities who have questions regarding the accessibility of the meeting or facilities, contact Brian Baltudis, ADA Coordinator, at (630) 469-5000.

**NOTICE OF
PUBLIC HEARING**

Iwona Kapica, owner of the property located at 105 N. Main Street, is requesting a public hearing for a zoning variation in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code. Before the Glen Ellyn Village Board can consider this request, the Glen Ellyn Zoning Board of Appeals must conduct a public hearing. The Zoning Board of Appeals will conduct a public hearing on Tuesday, December 14, 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 zoning variation from the Glen Ellyn Zoning Code as follows:

1. Section 10-5-4(A)4c to allow the reconstruction of a non-conforming garage that will have a setback of approximately 3.26 feet from the side property line, in lieu of the required 4.7-foot side yard setback required in the R2 Residential District.

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

LOT 7 IN HUB REALTY CO'S SUBDIVISION OF LOT OR BLOCK 24 IN E.W. ZANDER'S COUNTRY HOMES ADDITION TO GLEN ELLYN, IN SECTION 14, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID HUB REALTY CO'S SUBDIVISION RECORDED JANUARY 30, 1958 AS DOCUMENT NO. 869490, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-14-309-004
Plans are on file in the Community Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois and can be requested by contacting Josh Hankins, Planning Intern at jhankins@glenellyn.org. All public comments received by 4:30 pm on Tuesday, December 14, 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 Baidus, ADA Coordinator, at (630) 469-5000.
Published in Daily Herald November 26, 2021 (4574016)

RECEIVED

DEC 06 2021

JH

VILLAGE OF GLEN ELLYN

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

**DuPage County
Daily Herald**

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

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

County(ies) of DuPage

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

I further certify that the DuPage County DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 11/26/2021 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

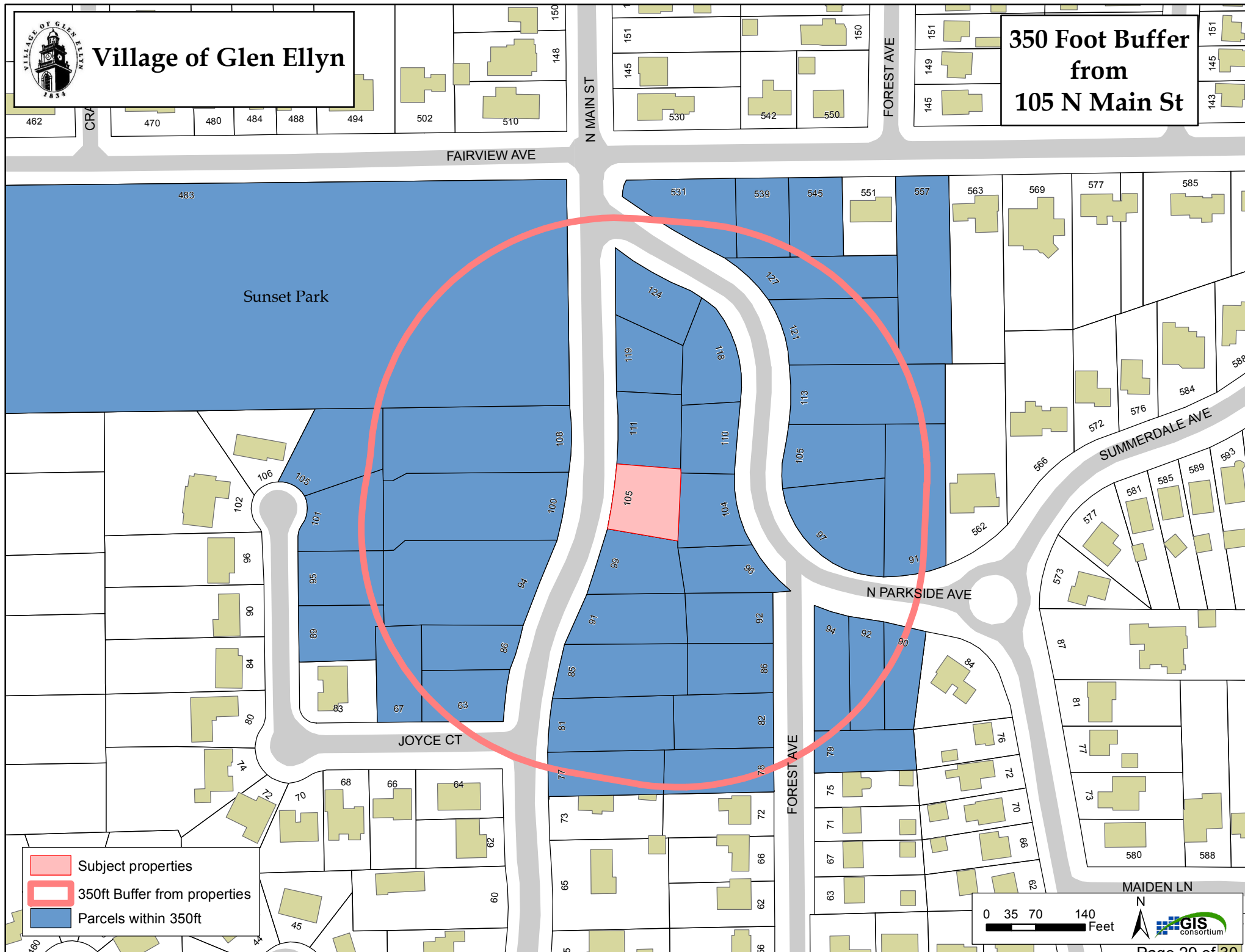
BY *Danula Baltz*
Designee of the Publisher and Officer of the Daily Herald

Control # 4574016



Village of Glen Ellyn

**350 Foot Buffer
from
105 N Main St**



105 N. Main Street Addresses Notified

Name	ST Num	ST Dir	ST Name	City	St	ZIP
ARCHAMBAULT, GEORGE & J R	89		JOYCE CT	GLEN ELLYN	IL	60137
BENTLER, PETER & SARAH	105		JOYCE CT	GLEN ELLYN	IL	60137
BEUKER, KURT & VALERIE	91	N	PARKSIDE AVE	GLEN ELLYN	IL	60137
BRAUN, MARK & A BARUDIN	100	N	MAIN ST	GLEN ELLYN	IL	60137
CARLE, J & S SCHAUB	63		JOYCE CT	GLEN ELLYN	IL	60137
CATTERO, JOSHUA & MARY	92	N	PARKSIDE AVE	GLEN ELLYN	IL	60137
CLARKE, JAMES	531		FAIRVIEW AVE	GLEN ELLYN	IL	60137
COUTRE, CHRISTOPHER	121	N	PARKSIDE AVE	GLEN ELLYN	IL	60137
DESSAUER, STEVEN & JULIE	94	N	PARKSIDE AVE	GLEN ELLYN	IL	60137
EICHLER, THOMAS V	94		MAIN ST	GLEN ELLYN	IL	60137
EMERSON, THOMAS & J	81		MAIN ST	GLEN ELLYN	IL	60137
FANNING, RYAN & HEATHER	118	N	PARKSIDE AVE	GLEN ELLYN	IL	60137
GARBER, RYAN & MICHELLE	104	N	PARKSIDE AVE	GLEN ELLYN	IL	60137
GLEN ELLYN PARK DIST	185		SPRING AVE	GLEN ELLYN	IL	60137
GRABOWSKI, FRANK & LAURA	119	N	MAIN ST	GLEN ELLYN	IL	60137
GRIFFIN, THOMAS F	539		FAIRVIEW AVE	GLEN ELLYN	IL	60137
HANSEN, BARBARA & JOSEPH	85	N	MAIN ST	GLEN ELLYN	IL	60137
HILL, JAMES D & ANDERA M	113	N	PARKSIDE AVE	GLEN ELLYN	IL	60137
KACZMAREK, MICHAEL & JEAN	78		FOREST AVE	GLEN ELLYN	IL	60137
KAPICA, IWONA	105	N	MAIN ST	GLEN ELLYN	IL	60137
LAMBERIS, NICOLE TR	86	N	MAIN ST	GLEN ELLYN	IL	60137
LANE, MATTHEW & HILLARY	105	N	PARKSIDE AVE	GLEN ELLYN	IL	60137
LANGE, GEOFFREY S & C R	127		PARKSIDE AVE	GLEN ELLYN	IL	60137
LAWS, RICHARD & BRENDA	111	N	MAIN ST	GLEN ELLYN	IL	60137
MAIN, JUSTIN & ABBY	545		FAIRVIEW AVE	GLEN ELLYN	IL	60137
MC NALLY, EDWARD & MARY	99	N	MAIN ST	GLEN ELLYN	IL	60137
MILNE, E & R REITER	90	N	PARKSIDE AVE	GLEN ELLYN	IL	60137
MORGUN, JOANN M	110	N	PARKSIDE AVE	GLEN ELLYN	IL	60137
O DONOHUE, DANIEL & KAREN	82		FOREST AVE	GLEN ELLYN	IL	60137
OBERST, CHRISTOPHER &	79		FOREST AVE	GLEN ELLYN	IL	60137
PANKOFF TR, A & C	86		FOREST AVE	GLEN ELLYN	IL	60137
PIERCE, ROBERT A	95		JOYCE CT	GLEN ELLYN	IL	60137
PRESTER, AMY	91	N	MAIN ST	GLEN ELLYN	IL	60137
ROZENICH, RUDOLF & ANNA	67		JOYCE CT	GLEN ELLYN	IL	60137
SCHAEFERS, SCOTT & C	101		JOYCE CT	GLEN ELLYN	IL	60137
SCHULZE, MATTHEW & LAURA	557		FAIRVIEW AVE	GLEN ELLYN	IL	60137
SCHUSTER, STEVEN & AMY	97	N	PARKSIDE AVE	GLEN ELLYN	IL	60137
SMEATON, MARY E	108	N	MAIN ST	GLEN ELLYN	IL	60137
STEVENSON, JEFFREY & B	92		FOREST AVE	GLEN ELLYN	IL	60137
TRUST 8003022000	124	N	PARKSIDE AVE	GLEN ELLYN	IL	60137
VERVAET, THOMAS & CHERYL	96	N	PARKSIDE AVE	GLEN ELLYN	IL	60137
ZEITZ, JOHN F	77	N	MAIN ST	GLEN ELLYN	IL	60137