



Agenda
Village of Glen Ellyn
Regular Village Board Meeting
Monday, February 28, 2022
7:00 PM
Glen Ellyn Civic Center, Galligan Board Room
Via Teleconference/Zoom Only

Meeting Procedures Statement

This meeting will be conducted by audio and video conference as well as broadcasted on cable and streamed online without a physically present quorum of the Village Board because of a disaster declaration related to COVID-19 and public health concerns affecting the Village of Glen Ellyn. The Illinois General Assembly passed Senate Bill 2135 on May 23, 2020, which was signed by the Governor on June 12, 2020. Senate Bill 2135 (now Public Act 101-0640) amends the Open Meetings Act and allows the Village Board to participate electronically in Board meetings when it is not feasible due to a disaster such as COVID-19. The Village has determined that an in-person meeting at the Civic Center is not practical or prudent because of the disaster. The Village Manager and Village Clerk will be in attendance at the Civic Center in compliance with the Act.

To participate in this meeting at the appointed date and time, please visit the following link:

<https://us02web.zoom.us/j/81695072144?pwd=Q1lQR2NKM3FHTTbCRDVPMG1hMWJLZz09>

Passcode: 666298

Or join by phone:

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

US: +1 312 626 6799 or +1 301 715 8592 or +1 646 558 8656 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782

Webinar ID: 816 9507 2144

Passcode: 666298

- A. Call to Order**
- B. Pledge of Allegiance**
- C. Roll Call**
- D. Audience Participation**

1) Open:

The Illinois General Assembly passed Senate Bill 2135 on May 23, 2020, which was signed by the Governor on June 12, 2020. Senate Bill 2135 (now Public Act 101-0640) amends the Open Meetings Act and allows the Village Board to participate electronically in Board meetings when it is not feasible due to a disaster such as COVID-19. To participate in this meeting at the appointed date and time, please visit:

<https://us02web.zoom.us/j/81695072144?pwd=Q1lQR2NKM3FHTTbCRDVPMG1hMWJLZz09>

In lieu of participating in the electronic meeting, the public may also complete a public comment form which will be read into the record during the meeting. This form can be found at www.glenellyn.org/publiccomment. Members of the public are welcome to speak or submit public comment forms on any item not specifically listed on tonight's agenda for up to (3) three minutes. For those items which are on tonight's agenda, the public may speak up to (3) three minutes on

those items or may submit public comment forms which will be read into the record during that agenda item.

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

Motion to approve the following items including Payroll and Vouchers totaling \$938,464.74. These agenda items have been reviewed by the Management Team & Village Attorney and are consistent with the Village's purchasing policy. (Trustee Thompson)

- 1) Total Expenditures (Payroll and Vouchers) - \$983,464.74
- 2) June 14, 2021 Village Board Workshop Minutes
- 3) June 14, 2021 Village Board Meeting Minutes
- 4) February 14, 2022 Village Board Meeting Minutes
- 5) February 22, 2022 Village Board Workshop Minutes
- 6) June 7, 2021 Village Board Executive Session Meeting Minutes
- 7) June 14, 2021 Village Board Executive Session Meeting Minutes
- 8) June 28, 2021 Village Board Executive Session Meeting Minutes
- 9) August 30, 2021 Village Board Executive Session Meeting Minutes
- 10) September 20, 2021 Village Board Executive Session Meeting Minutes
- 11) September 27, 2021 Village Board Meeting Minutes
- 12) October 25, 2021 Village Board Executive Session Meeting Minutes
- 13) November 1, 2021 Village Board Executive Session Meeting Minutes
- 14) Motion to Designate Trustee Gould as Village President Pro Tem for the Four Month Period from January through April, 2022
- 15) Ordinance No. 6942, An Ordinance to Approve a Zoning Variation from the Maximum Permitted Lot Coverage Ratio for a Two-Story Single-Family Dwelling on the Property Located at 62 N. Main Street (Community Development Director Springer)
- 16) Motion to authorize the Village Manager to execute a contract for a Comprehensive Water and Sewer Rate Study to NewGen Strategies & Solutions of Annapolis, Maryland in the not-to-exceed amount of \$49,030 (Public Works Director Buckley)
- 17) Motion to Authorize the Village Manager to Execute a Lease Agreement with NVA RE, LLC, for Temporary Parking at the 640 Taft Avenue Hotel Site (Attorney Mathews)
- 18) Motion to approve Village Links/Reserve 22 to secure Payroc Inc., of Tinley Park, IL, to provide credit card processing services. (General Manager Vesevick)
- 19) Motion to Authorize the Village Manager to Execute an Amendment to the Sales Tax Incentive Agreement for Two Hound Red (Economic Development Coordinator Hannah)
- 20) Motion to Provide Assistance to the Alliance of Downtown Glen Ellyn in the Amount of \$10,000 to be expensed to the ARPA Fund (Economic Development Coordinator)

Hannah)

(Under the Treasury guidelines related to ARPA Funds, the Village claims the standard revenue loss deduction of up to \$10M and this expense qualifies as an acceptable expense under that deduction.)

- 21) Motion to Provide the Glen Ellyn Chamber of Commerce \$45,000 to Retire a Construction Loan, to be Expensed to the ARPA Fund (Economic Development Coordinator Hannah)
(Under the Treasury guidelines related to ARPA Funds, the Village claims the standard revenue loss deduction of up to \$10M and this expense qualifies as an acceptable expense under that deduction.)
- 22) Motion to Authorize the Village Manager to Execute a Contract with Axon Enterprises of Scottsdale, Arizona in the amount of \$383,560.03 for the Purchase of Body Cameras and Squad Car Cameras to be expensed to the General Fund and Drug Forfeiture Fund (Police Chief Norton)

F. Consideration of a Zoning Map Amendment, Special Use Permit, and Zoning Variations to Accommodate the Redevelopment of a Portion of the Building Located at 413 N. Main Street (Community Development Director Springer)

- 1) Ordinance No.6943, An Ordinance Granting Approval of a Zoning Map Amendment, Special Use Permit, and Zoning Variations to Accommodate the Redevelopment of a Portion of the Building Located at 413 N. Main Street

G. Consideration of a Request for a Construction Necessitated Zoning Variation from the Maximum Permitted Lot Coverage Requirement of the Zoning Code to Maintain a Pavilion on the Property Located at 298 Oak Street (Community Development Director Springer)

- 1) Ordinance No. 6944, An Ordinance Denying a Request for a Construction Necessitated Zoning Variation from the Maximum Permitted Lot Coverage Requirement of the Zoning Code to Maintain a Pavilion on the Property Located at 298 Oak Street

H. Consideration of a Zoning Variation from the Maximum Permitted Lot Coverage Ratio for a Single-Family Dwelling on the Property Located at 737 Forest Avenue (Community Development Director Springer)

- 1) Ordinance No. 6945, An Ordinance Approving a Zoning Variation from the Maximum Permitted Lot Coverage Ratio for a Single-Family Dwelling on the Property Located at 737 Forest Avenue

I. Village Links Year End Financial Report (General Manager Vesevick) (Discussion Only)

- 1) General Manager Vesevick will present the Year End Financial Report for the Village Links/Reserve 22 Fiscal Year 2021.

J. Year End Financial Report (Assistant Director Brankin) (Discussion Only)

- 1) Assistant Finance Director Brankin will present the Fiscal Year 2021 Year End Financial Report

K. Reminders

- 1) There will be a Community Open House for the Roosevelt Road Hotel Properties on March 7 at 6:30 p.m. at the Village Links.
- 2) There is a Village Board meeting on Monday, March 14 at 7:00 p.m.
- 3) There is a Village Board Workshop on Monday, March 21 at 7:00 p.m.

4) There is a Village Board Meeting on Monday, March 28 at 7:00 p.m.

L. Other Business

M. Adjourn

**Approval of Vouchers
For the Village Board Meeting on February 28, 2022**

EXPENDITURES:

Accounts Payable Warrant 0222-2	\$	395,256.51
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Sub-Total	\$	395,256.51
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Warrant Total \$ 395,256.51

PAYROLL EXPENDITURES

February 11, 2022

Total ACH+live checks

Net Employee Payroll Checks

	\$	368,883.19	\$	-
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Employee & Employer Payroll Deductions:

Net of DD Employee Deductions*	\$	170,500.62	\$	-
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2300-2305 IMRF - Employer contribution	\$	19,917.95	\$	-
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1000-1100 Social Security/Medicare Tax Withheld - Employer portion	\$	28,906.47	\$	-
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Total Payroll

	\$	588,208.23	\$	-
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\$ 588,208.23

GRAND TOTAL \$ 983,464.74

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

VILLAGE OF GLEN ELLYN



VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID	AMOUNT	DUE DATE	TYPE	STS	INVOICE	DESCRIPTION
11933 ACTION HEATING & AIR, INC													
73653		10/05/2021		0222-2	248043	319.50		319.50	02/18/2022	INV	PD	SERVICE CALL - LINKS	
CHECK DATE:		02/18/2022											
10229 ACCOUNTING PRINCIPALS													
12268216		01/30/2022		0222-2	248044	1,400.00		1,400.00	02/18/2022	INV	PD	TEMPORARY STAFFING	
CHECK DATE:		02/18/2022											
44 AMERICAN PUBLIC WORKS ASSN													
17149 0222		02/02/2022		0222-2	248045	1,665.00		1,665.00	02/18/2022	INV	PD	RENEWAL 05-01-22 TO 4-	
CHECK DATE:		02/18/2022											
65 AT&T													
152796430 0122		01/04/2022		0222-2	248046	109.47		109.47	02/18/2022	INV	PD	152796430 0122	
CHECK DATE:		02/18/2022											
12489 BALANCED ENVIRONMENTS, INC.													
103417		01/01/2022		0222-2	248047	2,496.00		2,496.00	02/18/2022	INV	PD	JANUARY 2022 SNOW REMO	
CHECK DATE:		02/18/2022											
6832 POWER UP BATTERIES LLC													
P48376945		01/28/2022		0222-2	248048	112.21		112.21	02/18/2022	INV	PD	OPERATING SUPPLIES	
CHECK DATE:		02/18/2022											
103 BRISTOL HOSE & FITTING													
3477931		02/10/2022		0222-2	248049	68.70		68.70	02/18/2022	INV	PD	INV-HYDRAULIC FITTINGS	
CHECK DATE:		02/18/2022											
959 WILLIAM BRUNO													
123746		02/07/2022		0222-2	248050	300.00		300.00	02/18/2022	INV	PD	WELLNESS CLINIC INCENT	
CHECK DATE:		02/18/2022											
2197 BOJO TURF SUPPLY INC													
66004		01/19/2022		0222-2	248051	4,536.00		4,536.00	02/15/2022	INV	PD	MINERAL MINER PALLET	
CHECK DATE:		02/18/2022											
120 CANON SOLUTIONS AMERICA, INC													
28002019		01/21/2022		0222-2	248052	1,477.70		1,477.70	02/18/2022	INV	PD	VILLAGE COPIERS	
CHECK DATE:		02/18/2022											
28039010		01/31/2022		0222-2	248052	540.59		540.59	02/18/2022	INV	PD	FIN. COPIER	
CHECK DATE:		02/18/2022											
						2,018.29							
132 CASEY EQUIPMENT COMPANY, INC													

VILLAGE OF GLEN ELLYN



VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID	AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
P04858 CHECK DATE: 02/18/2022 1811 NICHOLAS CATALANO		02/10/2022		0222-2	248053	133.75	133.75	02/18/2022	INV	PD		INV-BUCKET TEETH/PINS
1-10-22 to 1-11-2022 CHECK DATE: 02/18/2022 10865 CHICAGO FIRE & BURGLAR DETECTION INC		01/31/2022		0222-2	248054	20.00	20.00	02/16/2022	INV	PD	2	LUNCHES - SUPERVISIN
R56990 CHECK DATE: 02/18/2022 5431 CHICAGO METROPOLITAN FIRE PREVENTION CO.		02/15/2022		0222-2	248055	89.85	89.85	02/18/2022	INV	PD		CHURCHILL- ALARM MONIT
IN00378190 CHECK DATE: 02/18/2022 6610 COMCAST CABLE COMMUNICATIONS, LLC		01/31/2022		0222-2	248056	307.50	307.50	02/15/2022	INV	PD		FIRE PANEL SYSTEM REPA
0545119 0222 CHECK DATE: 02/18/2022 2699 COMPASS MINERALS AMERICA INC		01/22/2022		0222-2	248057	213.53	213.53	01/31/2022	INV	PD		MONTHLY SERVICES
936330 CHECK DATE: 02/18/2022	20210044	01/26/2022		0222-2	248058	8,727.97	8,727.97	02/18/2022	INV	PD		EARLY BUY BULK ROCK SA
942115 CHECK DATE: 02/18/2022	20210044	02/01/2022		0222-2	248058	15,945.29	15,945.29	02/18/2022	INV	PD		EARLY BUY BULK ROCK SA
935200 CHECK DATE: 02/18/2022	20210044	01/25/2022		0222-2	248058	3,524.29	3,524.29	02/18/2022	INV	PD		EARLY BUY BULK ROCK SA
						28,197.55						
4876 CONSTELLATION NEWENERGY, INC.												
61483438801 CHECK DATE: 02/18/2022 12577 COPENHAVER CONSTRUCTION INC.		01/13/2022		0222-2	248059	71.52	71.52	02/18/2022	INV	PD		7302778-12
6 CHECK DATE: 02/18/2022 5206 TAYKIT INC	20210043	02/08/2022		0222-2	248060	235,509.90	235,509.90	02/18/2022	INV	PD		UTILITY & RDWAY IMPROV
2738 CHECK DATE: 02/18/2022 11887 DACRA ADJUDICATION SYSTEMS LLC		01/28/2022		0222-2	248061	826.00	826.00	02/16/2022	INV	PD		PRINTING SERVICES
DT 2022-01-12 CHECK DATE: 02/18/2022 204 DAILY HERALD		01/31/2022		0222-2	248062	1,750.00	1,750.00	01/31/2022	INV	PD		MONTHLY SERVICES

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VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID	AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
205733 CHECK DATE: 02/18/2022 9921 DORNER PRODUCTS, INC		01/23/2022		0222-2	248063	588.80	588.80	02/18/2022	INV	PD		PUBLIC NOTICES
160431-IN CHECK DATE: 02/18/2022 4302 ANDREW DOWNEY		01/10/2022		0222-2	248064	1,219.82	1,219.82	02/18/2022	INV	PD		REPAIR OF ACTUATOR
1-10-22 TO 1-11-2022 CHECK DATE: 02/18/2022 249 DUPAGE COUNTY		01/27/2022		0222-2	248065	20.00	20.00	01/31/2022	INV	PD		2 LUNCHES - SUPERVISIN
123757 CHECK DATE: 02/18/2022 2177 DUPAGE CO SENIOR POLICE MGMT ASSN		02/01/2022		0222-2	248066	236.00	236.00	02/18/2022	INV	PD		ESCROWS 22.0003 - 22.0
2022-DOWNEY CHECK DATE: 02/18/2022 10352 ELMUND & NELSON CO		02/09/2022		0222-2	248067	125.00	125.00	02/09/2022	INV	PD		DOWNEY - MEMBERSHIP DU
20210921 CHECK DATE: 02/18/2022 5660 EXCEL LTD, INC.		09/30/2021		0222-2	248068	4,620.00	4,620.00	02/18/2022	INV	PD		INSTALL NEW STREET LIG
19055 CHECK DATE: 02/18/2022 2017 ELLIOTT AUTO SUPPLY COMPANY, INC		01/26/2022		0222-2	248069	1,311.80	1,311.80	02/18/2022	INV	PD		REBUILT CONTACTORS FOR
50-3708059 CHECK DATE: 02/18/2022		02/02/2022		0222-2	248070	148.80	148.80	02/18/2022	INV	PD		FD#1C61-STARTER
61-548779 CHECK DATE: 02/18/2022		02/03/2022		0222-2	248070	-16.80	-16.80	02/03/2022	CRM	PD		CORE CREDIT
						132.00						
7-635-04565 CHECK DATE: 02/18/2022 311 THE TERRAMAR GROUP, INC		01/20/2022		0222-2	248071	25.56	25.56	02/18/2022	INV	PD		POSTAGE
78558 CHECK DATE: 02/18/2022		01/31/2022		0222-2	248072	170.92	170.92	02/18/2022	INV	PD		INV-PRE-EMPTION STROBE
78601 CHECK DATE: 02/18/2022		02/09/2022		0222-2	248072	333.97	333.97	02/18/2022	INV	PD		GEFD#1D61- AUTO EJECT

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VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID	AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
12906 TOM GIULIANO						504.89						
20150183		01/25/2022		0222-2	248073	4,280.00	4,280.00	02/18/2022	INV	PD		RESTORE DEP. - 418 HIL
CHECK DATE: 02/18/2022												
929 W.W. GRAINGER INC												
9179047221		01/14/2022		0222-2	248074	25.53	25.53	02/18/2022	INV	PD		OPERATING SUPPLIES
CHECK DATE: 02/18/2022												
5049 GROOT INDUSTRIES INC.												
8331572T107		02/01/2022		0222-2	248075	381.24	381.24	02/16/2022	INV	PD		TRASH SERVICE
CHECK DATE: 02/18/2022												
2081 HAMPTON, LENZINI AND RENWICK, INC.												
20220161	20220003	01/13/2022		0222-2	248076	8,786.25	8,786.25	02/18/2022	INV	PD		ENGINEERING SERVICES F
CHECK DATE: 02/18/2022												
20220010		01/04/2022		0222-2	248076	276.25	276.25	02/18/2022	INV	PD		ESCROW 22.0004
CHECK DATE: 02/18/2022												
20220161-1		01/13/2022		0222-2	248076	990.00	990.00	02/18/2022	INV	PD		ESCROW 17.0019 - 20.00
CHECK DATE: 02/18/2022												
						10,052.50						
12583 JOSH HANKINS												
123763		01/27/2022		0222-2	248077	5.00	5.00	02/18/2022	INV	PD		ESCROWS 22.0002 - 22.0
CHECK DATE: 02/18/2022												
2324 HARRIS MOTOR SPORTS, INC.												
02-305013		02/01/2022		0222-2	248078	2,501.66	2,501.66	02/16/2022	INV	PD		GPS SERVICE
CHECK DATE: 02/18/2022												
7972 HENDERSON PRODUCTS, INC												
351680		02/04/2022		0222-2	248079	1,780.22	1,780.22	02/18/2022	INV	PD		PW-10-203=(2) HYDRAULI
CHECK DATE: 02/18/2022												
1173 CRAIG HOLSTEAD												
1-10-22 TO 1-11-2022		01/28/2022		0222-2	248080	20.00	20.00	01/31/2022	INV	PD		2 LUNCHES - SUPERVISIN
CHECK DATE: 02/18/2022												
10976 ILLINOIS CASUALTY COMPANY												
LL102454 0222		02/01/2022		0222-2	248081	2,183.00	2,183.00	02/16/2022	INV	PD		LIQUOR LIABILITY INSUR
CHECK DATE: 02/18/2022												
427 ILLINOIS STATE TREASURER												
61508		02/01/2022		0222-2	248082	4,099.50	4,099.50	02/18/2022	INV	PD		TRAFFIC SIGNAL COST SH

VILLAGE OF GLEN ELLYN



VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID	AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
CHECK DATE: 02/18/2022												
12230 IMPACT PROMOTIONS												
76		02/14/2022		0222-2	248083	3,398.75	3,398.75		02/15/2022	INV	PD	UNIFORM SHIRTS FOR GOL
CHECK DATE: 02/18/2022												
10157 MICHAEL JAGODZINSKI												
1-10-22 TO 1-11-22		01/27/2022		0222-2	248084	20.00	20.00		01/31/2022	INV	PD	2 LUNCHES - SUPERVISIN
CHECK DATE: 02/18/2022												
6470 JOHN S NEENAN												
85168		01/24/2022		0222-2	248085	324.76	324.76		02/15/2022	INV	PD	SAFETY SUPPLIES
CHECK DATE: 02/18/2022												
612 KONICA MINOLTA BUSINESS SOLUTIONS INC												
75295972		01/31/2022		0222-2	248086	203.00	203.00		02/18/2022	INV	PD	SENIOR CENTER COPIER
CHECK DATE: 02/18/2022												
12753 KONSTANTINE T. SAVOY												
1180		02/01/2022		0222-2	248087	1,850.00	1,850.00		02/18/2022	INV	PD	PROFESSIONAL SERVICES
CHECK DATE: 02/18/2022												
546 LEN'S ACE HARDWARE, INC.												
103302/3		01/20/2022		0222-2	248088	4.53	4.53		02/15/2022	INV	PD	MISC NUTS & BOLTS
CHECK DATE: 02/18/2022												
102696/3		11/30/2021		0222-2	248088	24.27	24.27		02/18/2022	INV	PD	OPERATING SUPPLIES
CHECK DATE: 02/18/2022												
102883/3		12/14/2021		0222-2	248088	25.71	25.71		02/18/2022	INV	PD	OPERATING SUPPLIES
CHECK DATE: 02/18/2022												
102539/3		11/16/2021		0222-2	248088	4.49	4.49		02/18/2022	INV	PD	OPERATING SUPPLIES
CHECK DATE: 02/18/2022												
103540/3		02/08/2022		0222-2	248088	35.98	35.98		02/18/2022	INV	PD	PW#202-STEEL FLAT BAR,
CHECK DATE: 02/18/2022												
103326/3		01/21/2022		0222-2	248088	201.49	201.49		02/15/2022	INV	PD	CHAINSAW CHAINS AND CH
CHECK DATE: 02/18/2022												
103530/3		02/08/2022		0222-2	248088	15.29	15.29		02/15/2022	INV	PD	DRILL BIT
CHECK DATE: 02/18/2022												
103533/3		02/08/2022		0222-2	248088	7.50	7.50		02/15/2022	INV	PD	MISC NUTS & BOLTS
CHECK DATE: 02/18/2022												
103551/3		02/09/2022		0222-2	248088	26.56	26.56		02/15/2022	INV	PD	PARTS FOR KITCHEN THRE
CHECK DATE: 02/18/2022												
103576/3		02/11/2022		0222-2	248088	8.98	8.98		02/15/2022	INV	PD	DRILL BITS
CHECK DATE: 02/18/2022												
103577/3		02/11/2022		0222-2	248088	22.49	22.49		02/15/2022	INV	PD	SCREW EXTRACTOR KIT
CHECK DATE: 02/18/2022												
103492/3		02/05/2022		0222-2	248088	17.98	17.98		02/16/2022	INV	PD	SUPPLIES
CHECK DATE: 02/18/2022												
103421/3		01/28/2022		0222-2	248088	12.55	12.55		02/15/2022	INV	PD	SHOP SUPPLIES
CHECK DATE: 02/18/2022												

VILLAGE OF GLEN ELLYN



VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID	AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
103475/3		02/03/2022		0222-2	248088	10.78		10.78	02/15/2022	INV	PD	SHOP SUPPLIES
CHECK DATE: 02/18/2022												
103505/3		02/07/2022		0222-2	248088	8.09		8.09	02/15/2022	INV	PD	PIPE FOR BAR DRAIN REP
CHECK DATE: 02/18/2022												
8786 KEN MATUSZAK						426.69						
123767		02/03/2022		0222-2	248089	194.94		194.94	02/18/2022	INV	PD	UNIFORM REIMBURSEMENT
CHECK DATE: 02/18/2022												
624 MUNICIPAL FLEET MANAGERS ASSN.												
22-034		02/08/2022		0222-2	248090	30.00		30.00	02/18/2022	INV	PD	MFMA ANNUAL DUES
CHECK DATE: 02/18/2022												
1212 MURPHY & MILLER, INC												
SVC00036188		01/13/2022		0222-2	248091	1,400.10		1,400.10	02/18/2022	INV	PD	SERVICE CALL - PD
CHECK DATE: 02/18/2022												
5841 GENUINE PARTS CO-NAPA												
633166		01/04/2022		0222-2	248092	32.79		32.79	02/18/2022	INV	PD	PD#001-TPMS SENSOR
CHECK DATE: 02/18/2022												
633307		01/05/2022		0222-2	248092	131.52		131.52	02/18/2022	INV	PD	PLANNING & DEV. #218-B
CHECK DATE: 02/18/2022												
633313		01/05/2022		0222-2	248092	-18.00		-18.00	02/18/2022	CRM	PD	PLANNING & DEV. # 218
CHECK DATE: 02/18/2022												
633349		01/05/2022		0222-2	248092	27.99		27.99	02/18/2022	INV	PD	FD#1E62- FUEL FILTER
CHECK DATE: 02/18/2022												
633368		01/05/2022		0222-2	248092	89.57		89.57	02/18/2022	INV	PD	INV-COOLANT, FUEL&OIL
CHECK DATE: 02/18/2022												
634002		01/10/2022		0222-2	248092	32.04		32.04	02/18/2022	INV	PD	INV- FILTERS
CHECK DATE: 02/18/2022												
636039		01/24/2022		0222-2	248092	20.00		20.00	02/18/2022	INV	PD	PW#241-BRAKE LINE & FI
CHECK DATE: 02/18/2022												
636313		01/26/2022		0222-2	248092	60.54		60.54	02/18/2022	INV	PD	INV-FILTER
CHECK DATE: 02/18/2022												
0701-635269		01/19/2022		0222-2	248092	302.78		302.78	02/15/2022	INV	PD	BRAKES FOR FORD DUMP T
CHECK DATE: 02/18/2022												
0701-635271		01/19/2022		0222-2	248092	438.05		438.05	02/15/2022	INV	PD	BRAKES FOR FORD DUMP T
CHECK DATE: 02/18/2022												
0701-635261		01/19/2022		0222-2	248092	7.02		7.02	02/15/2022	INV	PD	LIGHTS FOR KITCHEN F25
CHECK DATE: 02/18/2022												
0701-635317		01/19/2022		0222-2	248092	24.77		24.77	02/15/2022	INV	PD	TOOLS FOR BRAKE JOB
CHECK DATE: 02/18/2022												
633362		01/05/2022		0222-2	248092	86.70		86.70	02/18/2022	INV	PD	INV-FILTERS
CHECK DATE: 02/18/2022												
634494		01/13/2022		0222-2	248092	30.19		30.19	02/18/2022	INV	PD	INV-FILTER
CHECK DATE: 02/18/2022												
634722		01/14/2022		0222-2	248092	24.52		24.52	02/18/2022	INV	PD	PW#10-231-GASKET MAKER
CHECK DATE: 02/18/2022												
635149		01/18/2022		0222-2	248092	80.20		80.20	02/18/2022	INV	PD	INV-FILTER
CHECK DATE: 02/18/2022												

VILLAGE OF GLEN ELLYN



VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID	AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
635377		01/19/2022		0222-2	248092	11.49		11.49	02/18/2022	INV	PD	PW#259- EMERY CLOTH
CHECK DATE: 02/18/2022												
636102		01/24/2022		0222-2	248092	27.14		27.14	02/18/2022	INV	PD	INV- BULBS
CHECK DATE: 02/18/2022												
635 NATIONAL ELEVATOR INSPECTION SVCS INC						1,409.31						
RI 2202498		01/26/2022		0222-2	248093	130.00		130.00	02/18/2022	INV	PD	INSPECTIONS
CHECK DATE: 02/18/2022												
RI 21014525		12/21/2021		0222-2	248093	2,110.00		2,110.00	02/18/2022	INV	PD	INSPECTIONS
CHECK DATE: 02/18/2022												
651 NORTHERN ILLINOIS GAS COMPANY						2,240.00						
33-46-52-1000 4 0122		01/10/2022		0222-2	248094	418.75		418.75	02/18/2022	INV	PD	33-46-52-1000 4 0122
CHECK DATE: 02/18/2022												
65-16-52-1000 9 0122		01/10/2022		0222-2	248095	164.07		164.07	02/18/2022	INV	PD	65-16-52-1000 9 0122
CHECK DATE: 02/18/2022												
73-43-95-0223 5 0122		01/14/2022		0222-2	248096	56.29		56.29	02/18/2022	INV	PD	73-43-95-0223 5 0122
CHECK DATE: 02/18/2022												
86-07-35-9064 7 0122		01/14/2022		0222-2	248097	23.82		23.82	02/18/2022	INV	PD	86-07-35-9064 7 0122
CHECK DATE: 02/18/2022												
28-61-60-1000 6 0122		01/14/2022		0222-2	248098	300.74		300.74	02/18/2022	INV	PD	28-61-60-1000 6 0122
CHECK DATE: 02/18/2022												
654 NORTHEAST MULTI-REG. TRAINING						963.67						
297114		01/20/2022		0222-2	248099	255.00		255.00	01/31/2022	INV	PD	BENDORAITIS - 40 HOUR
CHECK DATE: 02/18/2022												
738 RAY O'HERRON CO. INC.												
2171388		01/27/2022		0222-2	248100	19.95		19.95	01/31/2022	INV	PD	GILL - HAT AND EMBROID
CHECK DATE: 02/18/2022												
2171463		01/27/2022		0222-2	248100	143.96		143.96	01/31/2022	INV	PD	SOLLIS - BOOTS
CHECK DATE: 02/18/2022												
2171200		01/27/2022		0222-2	248100	227.00		227.00	01/31/2022	INV	PD	MURRAY - TRAVERSE CARR
CHECK DATE: 02/18/2022												
2171199		01/27/2022		0222-2	248100	304.90		304.90	01/31/2022	INV	PD	MURRAY - TRAVERSE CARR
CHECK DATE: 02/18/2022												
2171196		01/27/2022		0222-2	248100	326.19		326.19	01/31/2022	INV	PD	CATALANO - NEW SERGEAN
CHECK DATE: 02/18/2022												
2171726		01/28/2022		0222-2	248100	99.00		99.00	01/31/2022	INV	PD	CATALANO - 2 SHIRTS
CHECK DATE: 02/18/2022												
1458 OFFICE DEPOT, INC						61.75						
223330789001		01/24/2022		0222-2	248101	61.75		61.75	01/31/2022	INV	PD	FILE FOLDERS
CHECK DATE: 02/18/2022												
2670 PACE SUBURBAN BUS												

VILLAGE OF GLEN ELLYN



VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID	AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
600800		01/25/2022		0222-2	248102	1,123.38	1,123.38	02/18/2022	INV	PD	OCT 2021	LOCAL SHARE
CHECK DATE: 02/18/2022												
676 PACKEY WEBB FORD, INC.												
159685		02/10/2022		0222-2	248103	77.47	77.47	02/18/2022	INV	PD	PW#224-GASKET & CRANKC	
CHECK DATE: 02/18/2022												
159722		02/11/2022		0222-2	248103	102.13	102.13	02/18/2022	INV	PD	FD#1D61-PURGE VALVE	
CHECK DATE: 02/18/2022												
						179.60						
695 PEST CONTROL SERVICES INC												
41470		12/22/2021		0222-2	248104	320.00	320.00	02/18/2022	INV	PD	PEST CONTROL	
CHECK DATE: 02/18/2022												
1201 PHILLIP'S FLOWERS												
208758 0122		01/31/2022		0222-2	248105	64.95	64.95	01/31/2022	INV	PD	KLOMES FLOWERS	
CHECK DATE: 02/18/2022												
700 THE PITNEY BOWES BANK INC												
3105302705		01/30/2022		0222-2	248106	448.05	448.05	02/18/2022	INV	PD	PD POSTAGE METER	
CHECK DATE: 02/18/2022												
11046 RICHARD REGOLE												
20210396-1		11/15/2021		0222-2	248107	200.00	200.00	11/19/2021	INV	PD	F.S. OVERPAYMENT - 879	
CHECK DATE: 02/18/2022												
8640 KEVIN RIGGLE												
1-20-2022		01/20/2022		0222-2	248108	735.83	735.83	01/31/2022	INV	PD	RIGGLE - INVESTIGATION	
CHECK DATE: 02/18/2022												
1-24-22 TO 1-28-22		01/31/2022		0222-2	248108	50.00	50.00	01/31/2022	INV	PD	RIGGLE - 5 LUNCHES - L	
CHECK DATE: 02/18/2022												
1-17-22 TO 1-21-22		01/31/2022		0222-2	248108	50.00	50.00	01/31/2022	INV	PD	RIGGLE - 5 LUNCHES - 4	
CHECK DATE: 02/18/2022												
						835.83						
8689 RUSH TRUCK CENTERS OF ILLINOIS, INC												
3026537923		02/08/2022		0222-2	248109	1,658.06	1,658.06	02/18/2022	INV	PD	PW#202-RADIATOR	
CHECK DATE: 02/18/2022												
3026481094		02/03/2022		0222-2	248109	45.26	45.26	02/18/2022	INV	PD	PW#251-SEAT DAMPER	
CHECK DATE: 02/18/2022												
3026482546		02/03/2022		0222-2	248109	45.26	45.26	02/18/2022	INV	PD	PW#203-SEAT DAMPER	
CHECK DATE: 02/18/2022												
						1,748.58						
9358 DENNIS P SELVIG												
123689		10/31/2021		0222-2	248110	600.00	600.00	02/18/2022	INV	PD	PRE-EMPLOYMENT TESTING	

VILLAGE OF GLEN ELLYN



VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID	AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
CHECK DATE: 02/18/2022												
795 SIKICH LLP												
546062		12/31/2021		0222-2	248111	2,000.00		2,000.00	02/18/2022	INV	PD	AUDIT FEES 2021 FIRE
CHECK DATE: 02/18/2022												
799 SNAP-ON TOOLS												
0207224561		02/07/2022		0222-2	248112	5.60		5.60	02/18/2022	INV	PD	SHOP TOOL- T-20 BIT
CHECK DATE: 02/18/2022												
12777 SNOW SYSTEMS												
21-063054	20210068	01/05/2022		0222-2	248113	4,295.00		4,295.00	02/18/2022	INV	PD	CIVIC CENTER GARAGE SN
CHECK DATE: 02/18/2022												
21-063055	20210068	01/05/2022		0222-2	248113	4,720.00		4,720.00	02/18/2022	INV	PD	CIVIC CENTER GARAGE SN
CHECK DATE: 02/18/2022												
21-063053	20210068	01/05/2022		0222-2	248113	7,535.00		7,535.00	02/18/2022	INV	PD	CIVIC CENTER GARAGE SN
CHECK DATE: 02/18/2022												
21-063056	20210068	01/05/2022		0222-2	248113	7,345.00		7,345.00	02/18/2022	INV	PD	CIVIC CENTER GARAGE SN
CHECK DATE: 02/18/2022												
21-063142	20210068	01/11/2022		0222-2	248113	3,885.00		3,885.00	02/18/2022	INV	PD	CIVIC CENTER GARAGE SN
CHECK DATE: 02/18/2022												
21-063150	20210068	01/13/2022		0222-2	248113	7,770.00		7,770.00	02/18/2022	INV	PD	CIVIC CENTER GARAGE SN
CHECK DATE: 02/18/2022												
21-063211	20210068	01/17/2022		0222-2	248113	1,095.00		1,095.00	02/18/2022	INV	PD	CIVIC CENTER GARAGE SN
CHECK DATE: 02/18/2022												
21-063210	20210068	01/17/2022		0222-2	248113	3,885.00		3,885.00	02/18/2022	INV	PD	CIVIC CENTER GARAGE SN
CHECK DATE: 02/18/2022												
						40,530.00						
5109 SOUTH SIDE CONTROL SUPPLY, CO.												
S100734610.001		11/16/2021		0222-2	248114	63.44		63.44	02/18/2022	INV	PD	OPERATING SUPPLIES
CHECK DATE: 02/18/2022												
3322 ST. MARKS EPISCOPAL CHURCH												
1ST QTR		02/10/2022		0222-2	248115	750.00		750.00	02/18/2022	INV	PD	SHARED PARKING AREA LE
CHECK DATE: 02/18/2022												
12643 MARCUS SUAREZ												
123771		01/24/2022		0222-2	248116	79.99		79.99	02/18/2022	INV	PD	UNIFORM REIMBURSEMENT
CHECK DATE: 02/18/2022												
10477 TPI BUILDING CODE CONSULTANTS, INC												
202201		01/31/2022		0222-2	248117	12,268.57		12,268.57	02/18/2022	INV	PD	PLAN-PLUMBING REVIEWS
CHECK DATE: 02/18/2022												
872 TRAFFIC CONTROL & PROTECTION INC												
108880		09/24/2021		0222-2	248118	28.50		28.50	02/18/2022	INV	PD	RESTOCKING FEE

VILLAGE OF GLEN ELLYN



VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID	AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
CHECK DATE: 02/18/2022												
12455 ULTIMATE TRAINING MUNITIONS INC.												
213330		01/05/2022		0222-2	248119	591.20		591.20	01/31/2022	INV	PD	9MM MMR BLUE AMUNITION
CHECK DATE: 02/18/2022												
7479 UNIVERSITY OF MINNESOTA												
0230042261		11/17/2021		0222-2	248120	864.00		864.00	02/18/2022	INV	PD	TESTING - FORESTRY
CHECK DATE: 02/18/2022												
915 VERIZON WIRELESS SERVICES LLC												
987382023		01/15/2022		0222-2	248121	902.84		902.84	02/18/2022	INV	PD	486486569-00001
CHECK DATE: 02/18/2022												
9897382024		01/15/2022		0222-2	248122	306.47		306.47	02/18/2022	INV	PD	486486569-00002
CHECK DATE: 02/18/2022												
9898602312		02/01/2022		0222-2	248123	1,474.21		1,474.21	02/18/2022	INV	PD	887125807-00001
CHECK DATE: 02/18/2022												
						2,683.52						
11956 VETERAN'S TOWING & RECOVERY												
21686		01/19/2022		0222-2	248124	200.00		200.00	02/09/2022	INV	PD	2012 BLUE VOLVO
CHECK DATE: 02/18/2022												
919 VILLA PARK ELECTRICAL SUPPLY CO, INC												
211768-00		11/04/2021		0222-2	248125	8.49		8.49	02/18/2022	INV	PD	OPERATING SUPPLIES
CHECK DATE: 02/18/2022												
211363-00		10/29/2021		0222-2	248125	161.40		161.40	02/18/2022	INV	PD	OPEATING SUPPLIES
CHECK DATE: 02/18/2022												
214242-00		12/13/2021		0222-2	248125	179.20		179.20	02/18/2022	INV	PD	OPEATING SUPPLIES
CHECK DATE: 02/18/2022												
						349.09						
12899 WAYDE BEECHY, INC.												
10074715		02/08/2022		0222-2	248126	317.00		317.00	02/18/2022	INV	PD	INV-BATTERIES
CHECK DATE: 02/18/2022												
311454		02/01/2022		0222-2	248126	359.80		359.80	02/18/2022	INV	PD	INV-(4) BATTERIES
CHECK DATE: 02/18/2022												
311497		02/01/2022		0222-2	248126	-120.00		-120.00	02/18/2022	CRM	PD	PW#518- CORE CREDIT
CHECK DATE: 02/18/2022												
311236		01/27/2022		0222-2	248126	539.90		539.90	02/18/2022	INV	PD	PW#518-(2) BATTERIES
CHECK DATE: 02/18/2022												
						1,096.70						
6366 TLP VETERINARY SERVICES												
469485		02/09/2022		0222-2	248127	69.25		69.25	02/09/2022	INV	PD	MADDEN - FOOD
CHECK DATE: 02/18/2022												
						69.25						

VENDOR INVOICE LIST

INVOICE	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
146 INVOICES						395,256.51					

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



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

Meeting 2/28/2022 7:00 PM
Department: Administration
Department Head:
Category: Minutes
Prepared By:

**AGENDA ITEM (ID # 2022-
1940)**

DOC ID: 2022-1940

June 14, 2021 Village Board Workshop Minutes

Statement of the Issue:

Analysis:

Budget Impact:

Action Requested:

Attachments:

1. 06142021 Special Village Board Workshop Minutes - DRAFT



Minutes
Village of Glen Ellyn
Glen Ellyn Village Board
Special Work Shop Meeting
Monday, June 14, 2021
6:00 PM
Glen Ellyn Civic Center, Galligan Board Room

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

Upon roll call by Clerk Cosby, President Senak and Trustees Christiansen, , Gould, Kalinich, Payne and Thompson answered "Present". Trustee Fasules was absent.

Also in attendance: Village Manager Franz, Assistant Village Manager Rodman, Village Attorney Mathews, and Police Chief Norton.

D. Audience Participation – There was none

E. Village Board Orientation: Governance and Land Use (Presented by Village Attorney Mathews)

Attorney Matthews introduced Julie Tappendorf with Ancel Glink. She summarized the three branches of government: Executive, Legislative, and Administrative. She explained that the President is the Executive branch, the Trustees comprise the Legislative branch (policy makers) and the Village Manager forms the Administrative branch. She then discussed the authority and roles of each branch as well as the role of the Village Attorney.

She noted the importance of the Board making decisions based on what is best in the long term for the Village as a whole. She also explained that once the Board votes on an issue, regardless of whether there was a consensus, that vote becomes the stance of the Village and staff will move forward to implement that policy. She also summarized the typical steps in the process for development, the Village's obligation regarding noticing the public, the Board's authority in approving, approving with conditions, or denying recommendations by other Commissions/Boards, standards for variations and La Salle factors. The Board would like to invite Ms. Tappendorf back again as the discussion was very informative.

F. Other Business – *there was none*

G. Motion to adjourn to Executive Session for the discussion concerning pending litigation matters, pursuant to 5 ILCS 120/2 (C)(11), without returning to open session thereafter.

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

Respectfully submitted by Sandy Bakalich, Recording Secretary
Reviewed and Approved by Emily Rodman, Assistant Village Manager/Deputy Clerk



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

Meeting 2/28/2022 7:00 PM
Department: Administration
Department Head:
Category: Minutes
Prepared By:

**AGENDA ITEM (ID # 2022-
1964)**

DOC ID: 2022-1964

June 14, 2021 Village Board Meeting Minutes

Statement of the Issue:

Analysis:

Budget Impact:

Action Requested:

Attachments:

1. 06142021 Special Village Board Meeting Minutes - DRAFT



Minutes
Village of Glen Ellyn
Glen Ellyn Village Board
Special Board Meeting
Monday, June 14, 2021
7:00 PM

Glen Ellyn Civic Center, Galligan Board Room
Hybrid Meeting In Person and Via Zoom

A. Call to Order

B. Pledge of Allegiance

Pastor Wendy Bowden provided an invocation.

C. Roll Call

Upon roll call by Clerk Cosby, President Senak and Trustees Christiansen, , Gould, Kalinich, Payne, Thompson answered "Present". Trustee Fasules was absent

Also in attendance: Village Manager Franz, Assistant Village Manager Rodman, Finance Director Coyle, Public Works Director Buckley, Police Chief Norton, and Planning Manager Kelly Purvis

D. Audience Participation

None.

E. Presentation

1) Retired Judge Demling administered the Oath of Office to Village Board Trustee Bill Payne.

President Senak rearranged the agenda, moving E(1) to the end prior to a reception for Trustee Payne.

2) Village Clerk Cosby will administer the Oath of Office to Public Works Director Dave Buckley.

Village Manager Franz introduced Public Works Director Dave Buckley and invited him forward to be sworn in by Clerk Cosby.

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: Motion to approve the following items including Payroll and Vouchers totaling \$2,190,798.88. These agenda items have been reviewed by the Management Team & Village Attorney and are consistent with the Village's Purchasing Policy (Trustee Fasules)

Motion: To approve the Consent Agenda as presented

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

Village Manager Franz read the following Consent Agenda Items for approval and noted an addendum to item 12).

- 1) Total Expenditures (Payroll and Vouchers) \$2,190,798.88***
- 2) May 10, 2021 Village Board Meeting Minutes***
- 3) May 17, 2021 Village Board Workshop Minutes***
- 4) May 24, 2021 Village Board Meeting Minutes***
- 5) May 27, 2021 Special Village Board Meeting Minutes Village Board Agenda June 14, 2021 Page 3 Village of Glen Ellyn***
- 6) Approve the recommendation of Village President Mark Senak that the following chairperson appointments and reappointments be made for various commissions with a term ending July 31, 2022: Building Board of Appeals: Tom Bredfeldt Capital Improvements Commission: Steve Szymanski Environmental Commission: Christy Truitt Finance Commission: Jeremy VanEk Historic Preservation Commission: Penn French Plan Commission: Tim Loftus Recreation Commission: Mark Reinke Zoning Board of Appeals: Greg Constantino***
- 7) Ordinance No. 6876 VC, An Ordinance to Amend the Glen Ellyn Municipal Code, to Repeal Chapter 5 of Title 2, Section 251 et seq., and Chapter 9 of Title 2, Section 291 et seq., to Dissolve the Civil Defense Organization and Civic Center Commission (Village Manager Franz)***
- 8) Approve a Façade Improvement Award in the Amount of \$10,000 for Main Street Venture Partnership at 495 and 497 N. Main Street, to be Expensed to the Central Business District TIF Fund (Economic Development Coordinator Hannah)***
- 9) Approve a Facade Improvement Award to Entela Ilo for the property located at 546-548 Duane Street in the amount of \$42,500, to be expensed to the Central Business District TIF Fund (Economic Development Coordinator Hannah) 10) Ordinance No. 6877, An Ordinance Granting Exterior Appearance Approval for***

the Property Located at 546548 Duane Street (Community Development Director Springer)

11) Pursuant to Section 1102 (B) and 1102 (C) of the Village Code, Authorize the Village Manger to Execute a Contract with Automatic Systems Co. of Minneapolis, MN for the Orchard Lift Station Cabinet Replacement, for a Not to Exceed Amount of \$46,730, to be Expensed to the Water & Sewer Fund (Interim Public Works Director Buckley)

12) Approve participation in the NIMEC bid process and authorize the Village Manager to execute a contract with the lowest responsible electricity provider and authorize the Village Manager to accept prices for a 12, 24, or 36 month term (Village Manager Franz)

Regarding item 12) on the Consent Agenda, Village Manager Franz explained this item is for street lighting usage, bids are made the day of a Board Meeting and the Board then has until 11:00 p.m. to approve the bid. Village Manager Franz noted the low bidder was AEP and a determination term length needed to be made. Staff recommends approving the 36-month contract at 2.934 cents.

G. Reminders – Village Manager Franz read the following reminders:

1) A Village Board Workshop meeting is scheduled for Monday, June 21, 2021 at 7:00 p.m.

2) A Village Board Meeting is scheduled for June 28, 2021 at 7:00 p.m.

(E-1) Presentation - Retired Judge Demling administered the Oath of Office to Village Board Trustee Bill Payne.

President Senak invited retired judge and former Village President Demling and Trustee Payne to come forward for the swearing in ceremony. Congratulatory remarks were made, and all were invited to join in a reception for Trustee Payne after the meeting.

H. Other Business

I. Adjourn – *Motion to Adjourn.*

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

Respectfully submitted by Sandy Bakalich, Recording Secretary
Reviewed and approved by Emily Rodman, Assistant Village Manager/Deputy Clerk



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

Meeting 2/28/2022 7:00 PM
Department: Administration
Department Head:
Category: Minutes
Prepared By:

**AGENDA ITEM (ID # 2022-
1916)**

DOC ID: 2022-1916

February 14, 2022 Village Board Meeting Minutes

Statement of the Issue:

Analysis:

Budget Impact:

Action Requested:

Attachments:

1. 02142022 Village Board Meeting Minutes - Draft



Minutes
Village of Glen Ellyn
Glen Ellyn Village Board
Board Meeting
Monday, February 14, 2022
7:00 PM
Glen Ellyn Civic Center, Galligan Board Room
Via Teleconference/Zoom

- A. Call to Order 7:00 p.m.
- B. Pledge of Allegiance
- C. Roll Call

Village Clerk Cosby called the roll. In response to roll call, President Senak and Trustees Christiansen, Fasules, Gould, Kalinich, Payne, and Thompson replied "present".

Also in attendance:

Village Manager Franz, Village Attorney Mathews, Assistant Village Manager, Emily Rodman, Assistance Finance Director Brankin, Public Works Director Dave Buckley, Community Development Director Springer, Police Chief Norton, Professional Engineer Daubert, ____ Topor, Economic Development Director Hannah,

D. Audience Participation

- 1) Pastor Fr. David Hankus of St. James the Apostle Parish provided an invocation.
- 2) Sheriff Mendrick provided a presentation on the J.U.S.T. program and requested the Village consider employing some of the individuals who participate in his program.

Trustees asked some questions regarding the program. Sheriff Mendrick and staff responded.

Milton Township Supervisor John Monino provided commentary on the Township's experience participating in the program.

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

Motion to approve the following items including Payroll and Vouchers totaling \$5,177,337.85. These agenda items have been reviewed by the Management Team & Village Attorney and are consistent with the Village's purchasing policy. (Trustee Thompson)

- 1) Total Expenditures (Payroll and Vouchers) - \$5,177,337.85
- 2) June 21, 2021 Special Village Board Meeting Minutes
- 3) August 30, 2021 Special Village Board Workshop Minutes

- 4) January 18, 2022 Village Board Workshop Minutes
- 5) Motion to Approve President Senak's Appointment of Sumaiya Syed to the Community Relations Commission for a term to expire on July 31, 2022 (Assistant Village Manager Rodman)
- 6) Motion to Approve President Senak's Appointment of Connie Arango to the Plan Commission for a term to expire on July 31, 2024 (Community Development Director Springer)
- 7) Ordinance No. 6938, An Ordinance Amending the Budget of the Village of Glen Ellyn for the Fiscal Year Ending December 31, 2022 to Provide Funds for Prior Year Projects, Encumbrances and Capital Improvements (Assistant Finance Director Brankin)
- 8) Resolution No. 22-02, A Resolution Designating An Authorized Agent to the Illinois Municipal Retirement Fund (Assistant Finance Director Brankin)
- 9) Ordinance No. 6939, An Ordinance Amending Ordinance No. 6860 to Vacate the October 9, 1961, Resolution Dedicating a Public Street on the Two Village Owned Lots (Village Attorney Mathews)

Trustee Gould requested items 10 and 11 be removed from the Consent Agenda.

RESULT:	APPROVED [6 TO 0]
MOVER:	Trustee Thompson (Items 1-9)
SECONDER:	Trustee Christiansen
AYES:	Trustees: Payne, Kalinich, Christiansen, Fasules, Gould, Thompson
NAYS:	

- 10) Ordinance No. 6940, An Ordinance Granting Approval of a Special Use Permit to Allow a Real Estate Office at 515 Crescent Boulevard (Community Development Director Springer)

Trustee Gould asked several clarification questions. Trustee Thompson expressed his concerns regarding the proposed use. Trustee Christiansen also expressed concerns. Trustee Fasules expressed support for the proposed use. Trustee Kalinich asked some clarification questions and expressed her support for the use. Trustee Payne asked some clarification questions and expressed support for the proposed use.

Staff responded to the questions. Property owner Jeff Proctor also responded to several questions.

RESULT:	APPROVED [4 TO 3]
MOVER:	Trustee Thompson
SECONDER:	Trustee Kalinich
AYES:	Trustees: Payne, Kalinich, Fasules, President Senak
NAYS:	Trustees: Thompson, Christiansen, Gould

- 11) Ordinance No. 6941 - VC, An Ordinance to Amend Sections of Title 1 and Title 2 of the Village Code of the Village of Glen Ellyn to Establish an Architectural Appearance Commission (Community Development Director Springer)

Public comment was read into the record. Trustee Gould asked several clarification questions. Trustee Thompson suggested the Village not require members of certain Commissions be members of the AAC.

Staff responded to the questions.

A motion was made to approve Ordinance No. 6941 - VC, An Ordinance to Amend Sections of Title 1 and Title 2 of the Village Code of the Village of Glen Ellyn to Establish an Architectural Appearance Commission, subject to Attorney review.

RESULT:	APPROVED [6 TO 0]
MOVER:	Trustee Thompson
SECONDER:	Trustee Christiansen
AYES:	Trustees: Payne, Kalinich, Christiansen, Fasules, Gould, Thompson
NAYS:	

**F. Central Business District (CBD) Streetscape and Utility Improvements Phase I
Construction Contracts (Presented by Professional Engineer Daubert) (Trustee Payne)**

- 1) Motion to authorize the Village Manager to execute a construction contract for the CBD Streetscape and Utility Improvements – Phase 1 to A Lamp Concrete Contractors, Inc. of Schaumburg, Illinois in the amount of \$5,704,293.37
- 2) Motion to authorize the Village Manager to execute a construction engineering services agreement for the project to Bollinger Lach & Associates (BLA) of Itasca, Illinois in the not-to-exceed amount of \$445,302.00
- 3) Motion to authorize the Village Manager to execute a project communication and outreach services agreement for the project to MUSE Community + Design of Chicago, Illinois in the not-to-exceed amount of \$22,575.00
- 4) Motion to approve the purchase of 20 decorative, cast aluminum Litter Receptacles, Model 102 from Canterbury Designs of Huntington Park, California in the amount of \$43,209.00
- 5) Motion to approve the purchase of 30 Classic Series Contoured Bench, 6 ft and 4ft in length from Victor Stanley of Dunkirk, Maryland in the amount of \$53,882.00
- 6) Motion to approve the purchase of 42 DuMor Model 290 Loop Bike Racks, Model 102 from Nutoys Leisure Products of LaGrange, Illinois in the amount of \$9,620.00
- 7) Motion to approve the purchase of shade trees from Kaneville Tree Farms, Inc of Kaneville, Illinois in the amount of \$30,868.00

- 8) Motion to approve the purchase of shade trees from Spring Grove Nursery Inc. of Mazon, Illinois in the amount of \$13,381.00
- 9) Motion to approve the purchase of shade trees from Hinsdale Nursery of Willowbrook, Illinois in the amount of \$4,402.00
- 10) Motion to authorize the Village Manager to execute a License Agreement for storm sewer improvements within Union Pacific Railroad Company Right-of-Way, in the amount of \$6,000.00

President Senak thanked staff and the Capital Improvements Commission (CIC) for their work on the Streetscape project to date. Trustees Payne and Thompson also commended staff and the CIC for their work and expressed their support for the project. Trustees Thompson and Gould asked some clarification questions. Staff responded to the questions.

RESULT:	APPROVED [6 TO 0]
MOVER:	Trustee Payne
SECONDER:	Trustee Thompson
AYES:	Trustees: Payne, Kalinich, Christiansen, Fasules, Gould, Thompson
NAYS:	

G. Roosevelt Road Hotels Site (Presented by Assistant Village Manager Rodman) (Trustee Thompson)

- 1) Motion to Authorize the Village Manager to Execute an Amendment to a Contract for Developer Recruitment Services for the Roosevelt Road Hotel Properties with Kon Savory Consulting Group, in the Amount of \$8,250.00, to be Expensed to the Roosevelt Road TIF Fund

Assistant Village Manager Rodman presented background information on the project and the proposed amendment to the Village's contract with Kon Savoy Consulting along with the proposed Ad Hoc Work Group. Consultant Valerie Kretchmer with Kon Savoy Consulting Group also provided commentary.

President Senak provided comment on the proposed Ad Hoc Work Group, its purpose, how membership will be determined, and the timeline for the group.

Public Comment was accepted from six residents regarding the proposed redevelopment of the hotel sites. Residents requested the Village provide those living south of Roosevelt Road an opportunity to participate on the proposed Ad Hoc Work Group. They requested the Village Board consider alternatives to affordable housing for the site. Residents expressed concerns about the potential impacts of affordable housing, lack of appropriateness for housing at this location, additional tax burden, impact on the school districts, lack of capital investment in south Glen Ellyn, etc.

Trustee Payne suggested flexibility in the number of residents appointed to the Ad Hoc Work Group. Trustee Thompson encouraged further participation from residents south of Roosevelt. He expressed his support for both motions. Trustee Gould expressed her support for both motions and

requested the Community Open House be made available for viewing remotely. Trustee Kalinich commented she was in support of both motions.

RESULT:	APPROVED [6 TO 0]
MOVER:	Trustee Thompson
SECONDER:	Trustee Christiansen
AYES:	Trustees: Payne, Kalinich, Christiansen, Fasules, Gould, Thompson
NAYS:	

- 2) Motion to Approve Resolution 22-03 to Establish a Roosevelt Road/Taft Avenue Hotel Site Ad Hoc Work Group

President Senak asked for Village Board feedback on the total number of participants in the Ad Hoc Work Group.

A motion was made to Approve Resolution 22-03 to Establish a Roosevelt Road/Taft Avenue Hotel Site Ad Hoc Work Group, subject to Attorney review.

RESULT:	APPROVED [6 TO 0]
MOVER:	Trustee Thompson
SECONDER:	Trustee Fasules
AYES:	Trustees: Payne, Kalinich, Christiansen, Fasules, Gould, Thompson
NAYS:	

H. Reminders

- 1) There is a Village Board Workshop on Tuesday, February 22, at 7:00 PM.
- 2) There is a Village Board Meeting on Monday, February 28, at 7:00 PM.

I. Other Business

J. Adjourn

RESULT:	APPROVED [6 TO 0]
MOVER:	Trustee Fasules
SECONDER:	Trustee Thompson
AYES:	Trustees: Payne, Kalinich, Christiansen, Fasules, Gould, Thompson
NAYS:	



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

Meeting 2/28/2022 7:00 PM
Department: Administration
Department Head:
Category: Minutes
Prepared By:

**AGENDA ITEM (ID # 2022-
1963)**

DOC ID: 2022-1963

February 22, 2022 Village Board Workshop Minutes

Statement of the Issue:

Analysis:

Budget Impact:

Action Requested:

Attachments:

1. 02222022 Village Board Workshop Minutes - DRAFT



Agenda
Village of Glen Ellyn
Village Board Workshop
Tuesday, February 22, 2022
7:00 PM

Glen Ellyn Civic Center, Galligan Board Room
Via Teleconference/Zoom Only

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

Upon roll call by Village Manager Mark Franz, President Senak and Trustees Christiansen, Fasules, Gould, Kalinich, Payne and Thompson answered "Present".

Also in attendance: Village Manager Franz, Village Attorney Mathews, Public Works Director Buckley, Community Development Director Springer, Police Chief Phil Norton, Economic Development Director Hannah, Deputy Police Chief Vavra, Commander Downey

D. Audience Participation

None.

E. Presentation

Residents Karen Simmons and Joe Maude provided a summary of her concerns regarding the St. Petronille retaining wall. They requested the Village address the failing retaining wall via the Property Maintenance Code and require establishment of a property setback for the parking lot from adjacent property owners.

President Senak stated that there is pending litigation regarding this matter which limits the Village's ability to respond. President Senak confirmed the Village will enforce any existing property maintenance codes. Village Trustees asked some clarification questions of staff.

F. U.S. Bank Site/REVA Development Partners Request for Tax Increment Financing (TIF) Assistance (Village Manager Franz) Architectural Review Process (Presented by Community Development Director Springer) (Discussion Only)

Village Manager Franz summarized the TIF request being presented by REVA Development Partners.

Warren James of REVA Development Partners summarized the proposed development. He explained how they modified the design of the building in response to initial feedback received from the Village Board (including building colors, materials and windows). Mr. James noted that the building mass and layout has not been modified significantly. Mr. James explained how REVA has worked with the Glen Ellyn Park District to integrate the building with the adjacent park and Prairie Path. Mr. James noted the driving factors related to cost include the below-grade parking deck, the topography of the site, and the wall structure (which requires significant concrete). He reviewed the general development parameters including unit structure, parking and resident amenities.

Mr. James noted that construction supply costs, particularly lumber, have increased by substantially as a result of the COVID-19 pandemic and supply chain disruptions. He noted that this development poses a significant risk given current market conditions. He explained that REVA is willing to undertake this development due to their positive past experience in working with the Village of Glen Ellyn and the success of their recently completed project Avere on Duane.

Matt Nix with REVA provided a summary of their request for TIF dollars and the proposed terms of a future redevelopment agreement should the Village support their TIF request. He reiterated that both material costs and taxes are creating pressure on the potential project return on investment (ROI). Mr. Nix did concede that rents have been going up, which does nominally mitigate the increase in project costs.

The Village's consultant, Bob Rychlicki of Kane McKenna and Associates provided a summary of their review and analysis of REVA's proforma and TIF request. Mr. Rychlicki confirmed that the increased material cost of lumber and concrete is a reality. He confirmed that their review of the numbers does demonstrate a need for the TIF funding, but cautioned that the pro forma includes a number of assumptions. If any of the assumptions prove not to materialize, that may change the need for the amount of TIF funding required.

President Senak asked if there was any public comment on the request. Clerk Cosby read one written comment from Mr. Zak Wilson. Mr. Nicolas Nelson provided public comment via Zoom.

Trustees asked several clarification questions of Village staff, the developer and the Village's consultant.

President Senak asked Trustees for comments on whether they supported the TIF request. Some Trustees indicated they are not ready to support the request without having a better understanding of the proposed Redevelopment Agreement (RDA) parameters. They noted a desire for the Village to have the ability capture any upside to the development and to include a provision to allow for a "true-up" of incentive dollars with the actual costs incurred. They also expressed concern about the number of other residential developments underway in the CBD and the inability to have a solid grasp of the impact of those units until construction is completed. One Trustee requested an updated housing study for the CBD.

Some Trustees indicated they were generally supportive of the building design and materials. Other Trustees remarked that while they liked the design of the building, they did not feel it was appropriate given the location of the proposed building. Some noted they are interested in the feedback the newly formed Architectural Appearance Commission will provide on the building.

G. Alliance of Downtown Glen Ellyn request for Financial Assistance (Economic Development Director Hannah)

Economic Development Director Hannah explained the request from the Alliance. Trustees asked some clarification questions of Village staff. Director Hannah confirmed the \$10,000 request would come from ARPA funds.

**H. Glen Ellyn Chamber of Commerce Request for Financial Assistance
(Economic Development Director Hannah)**

President Senak asked if Trustees had any concerns regarding the proposed request. Trustees asked for clarification on the amount of funding being requested. The Executive Director of the Chamber, Dawn Smith noted they are requested \$45,000 to pay off the balance of a construction loan for improvements to the building in which they are located. She further explained the Chamber is requesting \$75,000 to support their other activities.

Trustees asked several clarification questions related to how the \$75,000 request would be funded by the Village. Trustees were generally supportive of the additional \$75,000 request.

I. Two Hound Red Sales Tax Incentive Agreement (Economic Development Director Hannah)

Economic Development Director Hannah explained the structure of the current sales tax incentive agreement with Two Hound Red and the requested changes to the agreement. Trustees were generally supportive of the request.

J. Proposal for Purchase of Body Cameras and Squad Car Cameras for the Glen Ellyn Police Department (Deputy Chief Vavra)

Chief Norton provided a summary of the request. Trustees asked several clarification questions regarding the features included with the product and project implementation. Chief Norton and Commander Downey provided responses. Trustees expressed support to proceed as presented by staff.

K. Reminders

- 1) There is a Village Board Meeting on Monday, February 28, at 7:00 p.m.
- 2) There is a Community Open House for the Roosevelt Road Hotel Properties on Monday, March 7 at 6:30 p.m. at the Village Links.

L. Other Business

Trustee Christiansen reminded the public that a blood drive would be held at Ackerman on Thursday and encourage people to donate blood.

Trustee Kalinich asked about the Tea with the Trustees event held Saturday, February 19. Trustee Christiansen noted that approximately 35 people were in attendance and a variety of topics were covered.

J. Motion to Adjourn

Prepared by Emily Rodman, Assistant Village Manager/Deputy Clerk



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

Meeting 2/28/2022 7:00 PM
Department: Administration
Department Head:
Category: Minutes
Prepared By:

**AGENDA ITEM (ID # 2022-
1942)**

DOC ID: 2022-1942

June 7, 2021 Village Board Executive Session Meeting Minutes

Statement of the Issue:

Analysis:

Budget Impact:

Action Requested:

Attachments:



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

Meeting 2/28/2022 7:00 PM
Department: Administration
Department Head:
Category: Minutes
Prepared By:

**AGENDA ITEM (ID # 2022-
1943)**

DOC ID: 2022-1943

June 14, 2021 Village Board Executive Session Meeting Minutes

Statement of the Issue:

Analysis:

Budget Impact:

Action Requested:

Attachments:



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

Meeting 2/28/2022 7:00 PM
Department: Administration
Department Head:
Category: Minutes
Prepared By:

**AGENDA ITEM (ID # 2022-
1944)**

DOC ID: 2022-1944

June 28, 2021 Village Board Executive Session Meeting Minutes

Statement of the Issue:

Analysis:

Budget Impact:

Action Requested:

Attachments:



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

Meeting 2/28/2022 7:00 PM
Department: Administration
Department Head:
Category: Minutes
Prepared By:

**AGENDA ITEM (ID # 2022-
1945)**

DOC ID: 2022-1945

August 30, 2021 Village Board Executive Session Meeting Minutes

Statement of the Issue:

Analysis:

Budget Impact:

Action Requested:

Attachments:



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

Meeting 2/28/2022 7:00 PM
Department: Administration
Department Head:
Category: Minutes
Prepared By:

**AGENDA ITEM (ID # 2022-
1946)**

DOC ID: 2022-1946

September 20, 2021 Village Board Executive Session Meeting Minutes

Statement of the Issue:

Analysis:

Budget Impact:

Action Requested:

Attachments:



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

Meeting 2/28/2022 7:00 PM
Department: Administration
Department Head:
Category: Minutes
Prepared By:

**AGENDA ITEM (ID # 2022-
1981)**

DOC ID: 2022-1981

September 27, 2021 Village Board Meeting Minutes

Statement of the Issue:

Analysis:

Budget Impact:

Action Requested:

Attachments:

1. 09272021 Village Board Meeting Minutes - Draft EBR



Minutes
Village of Glen Ellyn
Glen Ellyn Village Board
Regular Meeting
Monday, September 27, 2021
7:00 PM
Glen Ellyn Civic Center, Galligan Board Room

A. Call to Order

B. Pledge of Allegiance

Invocation provided by Pastor Shelly Satran, Senior Pastor, Faith Lutheran Church.

C. Roll Call

Roll Call by: Clerk Cosby

Present: President Senak

Trustees: Fasules, Gould, Kalinich, Payne, Thompson

Absent: Trustee Christiansen

Also in attendance:

Village Manager Franz

Village Attorney Mathews

Assistant Village Manager Rodman

Finance Director Coyle

Public Works Director Buckley

Community Development Director Springer

Police Chief Norton

Deputy Chief Vavra

Economic Development Coordinator Hannah

D. Audience Participation

Robert Dobosz: Wanted to thank the Village for free speech.

Thanked Attorney Mathews for upholding the free speech amendment at the last meeting. Provided commentary about free speech and COVID related speech with relation to schools, children, and the mask agenda.

Stephanie Giancarli: District 41 Protests.

Wanted to thank the Village Board for allowing her to speak on behalf of the peaceful protesters. Provided comment about Village providing a message of being there for everyone; but not being able to peacefully protest. Gave examples of discourteous and threatening behavior made towards their group for providing a different opinion than the consensus, often in front of children. Questioned allowance of opposing parties to harass their group based on differing opinion.

Dr. Susie Warden: District 41 Protests.

Provided commentary on mask effectiveness, mask mandates and parental choice to mask (or not mask) based on constitutional rights. Gave examples of opposing parents being allowed to harass the group for their choices. Observed that Dr. Bruno gave comment that the children should be allowed to walk to school without disruption; to which she agrees. However, she alleges that Dr. Bruno called various news media to the District 41 building, creating a huge disruption, and creating unnecessary commotion. She feels that the invectives being directed at the peaceful protesters is what is creating a stressful and anxious situation for the children attending Forest Glen.

E. Consent Agenda

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

Motion to approve the following items including Payroll and Vouchers totaling \$2,061,198.39. These agenda items have been reviewed by the Management Team & Village Attorney and are consistent with the Village's Purchasing Policy (Trustee Christiansen)

1. Total Expenditures (Payroll and Vouchers) - \$2,061,198.39
2. Approve the Recommendation of Village President Mark Senak that the following Appointments be made to the Community Relations Commission:

Mari Luangrath-Ullrik, Commissioner, with a Term Ending July 31, 2022
Mir Ali, Commissioner, with a Term Ending July 31, 2023
Tauya Forst, Commissioner, with a Term Ending July 31, 2023
Michelle Roman-Garcia, Commissioner, with a Term Ending July 31, 2023
Kim Thomas, Commissioner, with a Term Ending July 31, 2024
Sania Irwin, Commissioner, with a Term Ending July 31, 2024, to Serve as Chairperson with a Term Ending July 31, 2022
3. Pursuant to Section 1-10-7 of the Village Code, Authorize the Village Manager to Execute a Contract with F.H. Paschen, S.N. Nielsen & Associates LLC of Chicago, IL, for the Civic Center Elevator Modernization Project, in the Amount of \$122,623, to be Expensed to the Facilities Maintenance Reserve Fund (Assistant Manager Rodman)
4. Authorize the Village Manager to Execute a Contract with All American Exterior Solutions of Chicago, IL, for the Stacy's Tavern Roof Replacement, in the Amount of \$60,000, to be Expensed to the Facilities Maintenance Reserve Fund (Assistant Manager Rodman)
5. Authorize the Village Manager to Execute a Contract with Eco Clean Maintenance, Inc. of Elmhurst, IL, for the Civic Center Parking Garage Custodial Services, in the Amount of \$44,640, with an Option to Expand Services up to \$58,104, to be Expensed to the Parking Fund (Assistant Manager Rodman)

6. Ordinance No. 6905, An Ordinance Approving a Construction Necessitated Zoning Variation to Allow a Driveway without an Impervious Surface Setback to Remain on the Property Located 480 Cottage Avenue (Community Development Director Springer)
7. Ordinance No. 6906 - VC, An Ordinance Amending the Capital Fire Services Fee and Create an Emergency Medical Service (EMS) Fee (Finance Director Coyle)
8. Pursuant to Section 1-10-2 (B) of the Village Code, Authorize the Village Manager to Execute a Four-Year Contract Amendment for a Software License Agreement with Dacra Tech LLC for a Total Contract Amount Not-to-Exceed \$85,200, to be Expensed to the General Fund (Police Chief Norton)
9. Pursuant to Section 1-10-2 (C) and (D) of the Village Code, Authorize the Village Manager to Approve the Purchase and Installation of a Chopper Pump at the South Park Lift Station from Flow-Technics, Inc. of Frankfort, IL for an Amount of \$35,346, Plus a 5% Contingency to Cover Any Unexpected Costs for a Total Not-To-Exceed Amount of \$37,100, to be Expensed to the Water & Sewer Fund (Public Works Director Buckley)

Concerns were voiced about taking the elevator out of use at the Civic Center for six weeks; can Board Meetings be re-convened to another location that may be ADA accessible. Trustee Thompson proposed that the Board find an alternate site during the six week period that the elevator would not be in use or find alternative access to public Village meetings. Assistant Village Manager Rodman commented that the project would not start until all the materials were in stock as to not cause any additional delays; evaluation of ADA accessible options would be assessed.

Question was posed by Trustee Thompson as to whether the Eco Clean maintenance contract for the Civic Center Garage will be similarly provided to the Main Street Parking Garage. Village Manager Franz agreed that it would be, pending satisfactory service.

Result:	APPROVED [5 TO 0]
Mover:	Trustee Payne
Second:	Trustee Fasules
AYES:	Trustee: Fasules, Gould, Kalinich, Payne, Thompson
NAYS:	
ABSENT:	Trustee Christiansen

Additional Audience Participation Heard at this Time

Jan Laskowicz, Lead Organizer of the District 41 Peaceful Protestors: District 41 Protests
Provided information about the posters made and displayed; commented about parents and other parties who disputed the peaceful protestors by swearing, attacking the group whereby officers needed to be called into mediate, and remove the antagonist from the area. She spoke about community members assertively addressing the group to photograph them with their signage; other community members delivering off-topic diatribe to the group that was completely unrelated to their protest topic; and her history as a teacher (33 years) and working for the educational system. She commented at the last meeting no one from the Peaceful Protest group was represented to speak in defense of their message; felt that the District had representatives such as School Board President, Dr. Bruno, Superintendent Dr. Melissa Kaczkowski and others present to give negative commentary about their protest. She noted that the last person to speak at the meeting said that it seemed to have been a one-sided conversation and that the opposing party (peaceful protest) didn't have a chance to defend themselves. She expressed her disappointment that they were not notified of the meeting and given the opportunity to present.

F. Roosevelt Road Hotel Properties (Presented by Assistant Manager Rodman) (Trustee Thompson)

1. Motion to Authorize the Village Manager to Execute a Contract with Kon Savoy Consulting Group of Evanston, IL, for the Redevelopment of the Roosevelt Road Hotel Properties, in an Amount Not-to-Exceed \$59,430, to be Expensed to the Roosevelt Road TIF Fund

Asst. Village Manager Rodman presented information on the Roosevelt Road Hotel Properties; Roosevelt Road to the North, Taft Avenue to the South, Exmore Avenue splits the property in the middle. Consists of 6 parcels (2.22 acres); 3 buildings: Budgetel Inn & Suites, America's Best Value Inn. Constructed in the 1950s. C3 Commercial Zoning, Roosevelt Road TIF, and is considered a catalyst site, once developed, has potential to redevelop and reinvest the remainder of the corridor.

Property is currently under contract and has not been closed on by the Village. Purchase and sale was approved by the Village Board on June 28, 2021. Closing will be completed once the properties have become entirely vacant (currently 5 tenants). Attorney Mathews clarified that these are guests of the hotel, not actual "tenants".

RFP to solicit services for developer recruitment package underway; Parameters include: Phase I: Establish feasibility, Vision and Design, Conceptual Site Plans, Public Meetings with the Plan Commission and the Village Board and a draft development RFP and formal presentation; and Phase II: RFP Solicitation and Distribution, Results Summary/Presentation, Evaluation, Interviews with top respondents, Interview summaries, and Presentation Recommendations.

Five firms were contacted; three responded with proposals: S.B. Friedman, Camiros, and Kon Savoy Consulting. Proposals were reviewed, revisions were requested. Camiros and Kon Savoy were interviewed based on their competitive rates. Recommendation is being made to proceed with Kon Savoy Consulting Group based on their experience and familiarity with subject matter. Kon Savoy will be partnering with Kretchmer & Assoc. and Egret & OX Planning LLC totaling over 40 years of experience in the planning and development market. They also bring

graphic design and data visualization teams to assist with media for the public sector. Additionally, they recently completed a market study for Roosevelt Road in Wheaton, assessing office, retail and affordable housing in Wheaton. Detailed proposal information was provided, with a NTE of \$59,430.00. Next steps include data gathering/ analysis, concept design and developer recruitment RFP.

Questions posed by Trustee Payne:

What is the ETA on the guests to remain at the property? Attorney Mathews countered that the information is not available; however, it should be less than 30 days. Until the property is closed on, they do have the opportunity to take in overnight stays; and presently the longest stay that will be accommodated is three nights. Clarification was made as to overnight versus extended stay guests, which has been in place at the property, and which are being worked out to be concluded prior to the sale. Information has been provided from the County to assist guests in finding alternative locations, however it is the responsibility of the current owner to vacate the property prior to closing.

Trustee Payne posed the question about the consultant.

Will they be interviewing and talking with neighboring businesses and residents for input? Asst. Village Manager Rodman countered that the consultants would be looking at existing data as well as talking with local residential and commercial real estate brokers. She also mentioned putting them in touch with members of the Glen Ellyn business community as well.

President Senak also interjected about the hotel guests and that the Village has tried to encourage the property owner to take all steps necessary to avoid eviction as an alternative. DuPage United and other community groups have been very helpful in providing information and assistance to property owner for the guests for relocation.

Trustee Kalinich stressed transparency and consideration as to how the property is going to be used so that when recommendations are made by the consultant, recommendations were not pre-ordained. Asst. Village Manager Rodman detailed the processes and discussions put to the consultant and what might be expected at the final property build assessment when provided for the Boards' review. The consultants will provide the Village Board with data supporting their conclusions. She also mentioned that two additional public meetings were included in the proposal; the proposal is structured to include five public meetings, four presenting to the Village Board, and one for the Planning Commission. The additional meetings are included at no additional cost.

Trustee Thompson commented that the Board is interested in seeing the property utilized as affordable housing and would like confirmation that the consultant is aware of that goal. Assistant Village Manager Rodman replied that specific discussions were engaged to that end, or the potential of the installation of affordable housing or commercial market rate housing on the site. An additional reason they were chosen, is that they have extensive experience with affordable housing and lender and federal guidelines for funding; so, they should be able to assess the site for feasibility of tax credits, etc. They are experts in this area, and she feels that they can bring a greater wealth of information to provide the Board in the decision making process.

Trustee Thompson inquired whether Full Circle Outreach, who developed an affordable housing district in Elgin might be part of the outreach group that Kon Savoy would be working with, since the Board was intrigued by the property development and its evolution. Assistant Village Manager Rodman countered that the information could be shared with Kon Savoy.

Trustee Payne remarked that he would also like to see other commercially developed options in addition to affordable housing. Trustee Kalinich countered that this may be a fairly large expenditure, but really likes the process that is outlined to be implemented. She feels that due to the size of the property and its prominent location, that steps be taken to do this correctly.

President Senak agreed and posed two questions:

Timeline? What is envisioned for the completion of the consultation process?

Assistant Village Manager Rodman replied that the consultant planned for a six month period, however, feels that they overestimate their time, so it may be shorter. Much will depend on meeting schedules and if they use our standard Village Board schedule, or if special meetings will be added, etc. Village Manager Franz countered that this was all predicated on the property closing, which is undefined. President Senak inquired as to whether the Village was going to hold the consultation process until the closing, to which Village Manager Franz replied that they were on parallel tracks and would be dependent on full accessibility after the closing.

President Senak also made concern for the impact on the community in the developed area and reiterated that the consulting process includes the Village Board and Planning Commission's involvement, but he would like to be assured to have resident involvement, in particular the residents of the Roosevelt Road corridor. The school district also needs included, since it will be impacted. Accommodations need to be made for a Board Meeting in the southern corridor offering discussion about the development project, so that the residents are given ample opportunity to comment. He would like a significant amount of outreach provided to the area residents, so they are fully aware of the developments and have occasion to comment when they see fit. Assistant Village Manager Rodman assured that this information would be directed to the consultants and that it would be highly considered throughout the process.

Trustee Thompson also wanted to commend Assistant Village Manager Rodman on her work with the Panfish Park group as well. This group has become active in making recommendations on improvements for Panfish Park and may be able to provide insight for this development as well.

Trustee Gould inquired as to what might be the best way to reach the residents about the development. With regard to Kretchmar & Assoc., there was some push-back about the zoning on Roosevelt Road in Wheaton. She was unsure as to how the Village addressed this and feels that the Village of Glen Ellyn might experience similar issues. There was initial consideration of changing the zoning before the project even comes to the Village, to which she expressed concern with its transparency with relation to a Public Hearing and coverage.

Stephanie Giancarli commented: She expressed concern that the Fannie Mae store would be closed and that they would not want Fannie Mae to disappear. She also inquired about the abandoned buildings adjacent to Fannie Mae. President Senak replied that they are happy to listen to commentary, however, cannot answer any questions about the properties at this time.

Trustee Thompson moved to authorize the Village Manager to Execute a Contract with Kon Savoy Consulting Group of Evanston, IL, for the Redevelopment of the Roosevelt Road Hotel Properties, in an Amount Not-to-Exceed \$59,430, to be Expensed to the Roosevelt Road TIF Fund.

Result:	APPROVED [5 TO 0]
Mover:	Trustee Thompson
Second:	Trustee Gould
AYES:	Trustee: Fasules, Gould, Kalinich, Payne, Thompson
NAYS:	
ABSENT:	Trustee Christiansen

G. Reminders

1. A Regular Village Board Meeting is scheduled for Monday, October 11, 2021 at 7:00 p.m.
2. A Special Village Board Meeting is scheduled for Thursday, October 14, 2021 at 7:00 p.m.

H. Other Business

Village Manager Franz:

Concerns about how the Village is enforcing the mask policy based on Governor Pritzker's August 30th mandate regarding publicly held meetings at the Civic Center. The mandate went into effect on August 30, 2021. We have signs throughout the building notifying visitors. Staff will prepare a statement to read before each meeting; with regard to enforcement, staff liaisons will monitor the meetings for compliance.

Trustee Fasules:

We just had a community recycling event at College of DuPage hosted by the Environmental Committee. Certain items recycled required a nominal fee, and which may not have amounted to much. He would like to consider a donation to the Environmental Committee to allow this to become a completely cost-free event for the residents. President Senak countered that during the budget discussions this would be an favorable consideration.

I. Adjourn

Result:	APPROVED [5 TO 0]
Mover:	Trustee Kalinich
Seconder:	Trustee Payne
AYES:	Trustee: Fasules, Gould, Kalinich, Payne, Thompson
NAYS:	
ABSENT:	Trustee Christiansen

Respectfully Submitted, Maureen Draganowski, Executive Assistant

Reviewed and Approved by Emily Rodman, Assistant Village Manager/Deputy Village Clerk



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

Meeting 2/28/2022 7:00 PM
Department: Administration
Department Head:
Category: Minutes
Prepared By:

**AGENDA ITEM (ID # 2022-
1947)**

DOC ID: 2022-1947

October 25, 2021 Village Board Executive Session Meeting Minutes

Statement of the Issue:

Analysis:

Budget Impact:

Action Requested:

Attachments:



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

Meeting 2/28/2022 7:00 PM
Department: Administration
Department Head:
Category: Minutes
Prepared By:

**AGENDA ITEM (ID # 2022-
1948)**

DOC ID: 2022-1948

November 1, 2021 Village Board Executive Session Meeting Minutes

Statement of the Issue:

Analysis:

Budget Impact:

Action Requested:

Attachments:



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

Meeting 2/28/2022 7:00 PM
Department: System Administrator
Department Head:
Category: Appointment
Prepared By: Maureen Draganowski

**AGENDA ITEM (ID
2022-1970)**

DOC ID: 2022-1970

Motion to Designate Trustee Gould as Village President Pro Tem for the Four Month Period from January through April, 2022

Statement of the Issue:

Analysis:

Budget Impact:

Action Requested:

Attachments:



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

Meeting 2/28/2022 7:00 PM
Department: Community Development
Department Head: Staci Springer
Category: Ordinance
Prepared By: Taylor Gendel

AGENDA ITEM (ID
2022-1933)

DOC ID: 2022-1933

Ordinance No. 6942, An Ordinance to Approve a Zoning Variation from the Maximum Permitted Lot Coverage Ratio for a Two-Story Single-Family Dwelling on the Property Located at 62 N. Main Street (Community Development Director Springer)

Statement of the Issue:

The petitioners John and Kathleen Naliwajko, homeowners of the property at 62 N. Main Street, are requesting approval of a zoning variation to allow the construction of a one-story addition on their single-family residence resulting in a lot coverage ratio of approximately 23.95%. A maximum lot coverage ratio of 20% is permitted for two-story single-family dwellings in the R2 Residential District.

Analysis:

Background

The property is located on the west side of Main Street between Joyce Ct. and Dorset Ct. The zoning and land use immediately surrounding the subject property is R2 single-family residential. The existing residence has a lot coverage ratio of 18.43% and was built in 1979 with an attached garage. The homeowners are proposing to add a 495 square foot first-floor addition to expand the rear family room and convert it to office space. Ms. Naliwajko has a full-time remote position as a triage nurse and would like to relocate her office, so it is no longer facing Main Street. The petitioners provide that an office space is needed for her remote work as will most likely be the case for future homes everywhere. The petitioner claims that the planned addition would maintain the same exterior appearance and character of the existing structure and would not adversely impact the neighborhood. The proposed addition would meet all other requirements of the Zoning Code.

The Village provides two kinds of lot coverage bonuses. For detached garages, up to 500 square feet can be subtracted from the LCR and for front porches, that are open on two sides, up to 140 square feet can be subtracted from the LCR. Since the home has an attached garage, it does not qualify for the lot coverage bonus of 500 square feet which is essentially the size of the proposed rear addition. However, the front porch does qualify for the porch bonus. Note, the actual square footage of the front porch (114 square feet) is all that can be subtracted for this bonus. The front porch bonus has been included in the requested lot coverage.

The petitioner states that when they made the purchase of the property in 1995, the maximum lot coverage ratio permitted was 25%, and they had the intention to pursue a rear addition when they

had the financial means to do so. With the addition, they plan to live in the home another 30 years. In order to construct the addition as proposed, the petitioners would need to be granted a variation from the Zoning Code to allow a lot coverage ratio of approximately 23.95% in lieu of the maximum allowed lot coverage ratio of 20%.

Public Hearing Summary

Notice of the public hearing was published in the Daily Herald on January 17, 2022. The owners of properties within 250 feet of the subject property were mailed notice of the public hearing and a placard was placed on the property. No one that was sent public notice attended the hearing to speak for or against the request and no comments were submitted in writing pertaining to the request. A petition in support of the variation request was signed by the owners of 8 adjacent properties (petition attached).

On February 1, 2022 the ZBA conducted a public hearing to review the existing conditions of the property, and to consider the testimony from the petitioners. The ZBA found that the following hardships or unique circumstances applied to this request: that the petitioner could not utilize a lot coverage ratio bonus for a detached garage because the utility easements on the property make it infeasible to build a detached garage and driveway to code. Furthermore, the proposed addition is the equivalent of what would be allowed were the petitioners able to utilize a detached garage bonus.

Hardships or unique circumstances that were offered by petitioners but not accepted by the Zoning Board of Appeals included the petitioners' need for an expanded office space and kitchen, and the fact that the petitioners purchased the home before a change to the Zoning Code in 2006 which reduced the maximum lot coverage ratio from 25 to 20 percent. The commissioners generally felt that these hardships could apply to most others in the Village. The Commission also cited the lack of opposition from neighbors as a reason to allow the variation.

Recommendation

The ZBA voted on a motion to recommend approval of the requested zoning variation, with one condition: that the project shall be constructed in substantial conformance with the plans as submitted and the testimony presented at the February 1, 2022 public hearing of the Zoning Board of Appeals. This motion carried with seven (7) yes votes and zero (0) no votes. In accordance with this recommendation for approval, staff has prepared an ordinance to **approve** the requested variation.

Budget Impact:

N/A

Action Requested:

The Village Board should consider the petitioners' request, the recommendation offered by the ZBA, and any further evidence or testimony presented at the Village Board Meeting and grant, deny or amend the requested variation.

Attachments:

1. 1. Draft Ordinance - 62 N Main
2. 2. Aerial Map of 62 N Main
3. 3. Petitioner's Application 62 N Main

4. 4. Petitions of Support
5. 5. Exhibit A – Draft Minutes of February 1, 2022, ZBA Meeting
6. 6. Exhibit B - Site Plan 62 N Main
7. 7. Exhibit C - Elevations 62 N Main



Village of Glen Ellyn

Ordinance No. 6942

An Ordinance Approving a
Zoning Variation from the
Maximum Permitted Lot Coverage Ratio
for a Two-Story Single-Family Dwelling on the Property Located at
62 N. Main Street, Glen Ellyn, IL 60137

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

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

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

Ordinance No. 6942

**An Ordinance Approving a
Zoning Variation from the
Maximum Permitted Lot Coverage Ratio
for a Two-Story Single-Family Dwelling on the Property Located at
62 N. Main Street, Glen Ellyn, IL 60137**

Whereas, John and Kathleen Naliwajko, owners of the property located at 62 N. Main Street, Glen Ellyn, Illinois, which is legally described as follows:

LOT 1 IN JOYCE'S SUBDIVISION OF BLOCK 13 IN E. W. ZANDER'S COUNTRY HOMES ADDITION TO GLEN ELLYN, TOGETHER WITH THE WEST 290 FEET, MEASURED ON THE NORTH AND SOUTH LINES OF MOMMSEN'S ASSESSMENT PLAT OF BLOCK 14 OF SAID COUNTY HOMES ADDITION, BEING A SUBDIVISION IN SECTION 14, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF JOYCE'S SUBDIVISION AFORESAID RECORDED SEPTEMBER 25, 1964 AS DOCUMENT R64-36061, IN DUPAGE COUNTY, ILLINOIS.

PIN: 05-14-307-062

have petitioned the President and Board of Trustees of the Village of Glen Ellyn for a zoning variation from Section 10-4-8(E)(1) of the Glen Ellyn Zoning Code for a lot coverage of 23.95 percent where a maximum permitted lot coverage of 20 percent is permitted, to allow the construction of a one-story addition on an existing single-family home; and

Whereas, following due notice by publication in the Daily Herald not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all property owners within 250 feet of the subject property at least ten (10) days prior thereto, the Glen Ellyn Zoning Board of Appeals conducted a public hearing on February 1, 2022, at which the petitioners presented evidence, testimony, and exhibits in support of their request for the zoning variation and zero (0) persons appeared in favor of the request and zero (0) persons appeared in opposition thereto; and

Whereas, included in the evidence presented to the Zoning Board of Appeals, the owners of eight (8) properties immediately adjacent to the subject property, each signed a petition to attest their

support for the requested zoning variation to allow an addition on an existing single-family home resulting in a lot coverage ratio of 23.95 percent; and

Whereas, based upon the evidence, testimony, and exhibits presented at the public hearing on February 1, 2022, the Zoning Board of Appeals adopted findings of fact and voted on a motion to recommend approval of the variation from Section 10-4-8(E)(1) for a lot coverage of 23.95 percent where a maximum lot coverage of 20 percent is permitted to allow an addition on an existing single-family home, which carried by a vote of seven (7) “yes” and zero (0) “no”, resulting in a recommendation for approval as set forth in its Draft Minutes dated February 1 , 2022, appended hereto as Exhibit "A"; and

Whereas, the President and Board of Trustees have reviewed the Draft Minutes of the February 1, 2022 Zoning Board of Appeals public hearing, attached hereto as Exhibit “A”, and the evidence presented at the February 1, 2022 Zoning Board of Appeals public hearing and have considered the findings of fact and recommendations of the Zoning Board of Appeals; and

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

- A. That the practical difficulty or particular hardship, being that the petitioners could not utilize a lot coverage ratio bonus for a detached garage because the utility easements on the property make it infeasible to build a detached garage and driveway to code. Furthermore, the proposed addition is the equivalent of what would be allowed were the petitioners able to utilize a detached garage bonus; and
- B. That the zoning variation, if granted, will not alter the essential character of the locality as it is located in the rear of the property and will match the style of the existing home; and
- C. That the purpose of the zoning variation is not based exclusively upon a desire to make more money out of the property since the owners plan to stay in the home for many years once this improvement is made. Further, the owners claim they would have to move to a

- larger home if they are not granted the zoning variation to expand their home; and
- D. That the zoning variation will not be detrimental to the public comfort, morals, and welfare or injurious to other property or improvements in the neighborhood in which the property is located since the variation will allow an improvement to the single-family home; and
 - E. That the zoning variation will not substantially increase the hazard from fire or other dangers to said property and not otherwise impair the public health, safety, or general welfare of the inhabitants of the Village since the addition will be constructed within the required setbacks and constructed in accordance with all building codes; and
 - F. That the zoning variation will not diminish or impair property values within the neighborhood as it will be an improvement to the existing home; and
 - G. That the zoning variation will not unduly increase traffic congestion in the public streets and highways, as the traffic pattern on site will not be changed; and
 - H. That the zoning variation will not result in an increase in public expenditures or create a nuisance, since the variation is to allow an addition to the existing single-family residential use in a residential zoning district; and
 - I. That the zoning variation is the minimum variation that will make possible the reasonable use of the land, building or structure; and

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

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

Section One: The Draft Minutes of the February 1, 2022 Glen Ellyn Zoning Board of Appeals meeting, Exhibit "A" appended hereto, are hereby accepted, and the findings of fact and conclusions set forth in the preambles above are hereby adopted as the findings of fact and

conclusions of the corporate authorities of the Village of Glen Ellyn.

Section Two: Based upon the above findings of fact, the President and Board of Trustees hereby approve the zoning variation from Section 10-4-8(E)(1) of the Glen Ellyn Zoning Code for a lot coverage of 23.95 percent where a maximum lot coverage of 20 percent is permitted to allow an addition on an existing single-family home, in the R2 Residential District on the property at 62 N Main Street, Glen Ellyn, Illinois, which is legally described as follows:

LOT 1 IN JOYCE'S SUBDIVISION OF BLOCK 13 IN E. W. ZANDER'S COUNTRY HOMES ADDITION TO GLEN ELLYN, TOGETHER WITH THE WEST 290 FEET, MEASURED ON THE NORTH AND SOUTH LINES OF MOMMSEN'S ASSESSMENT PLAT OF BLOCK 14 OF SAID COUNTY HOMES ADDITION, BEING A SUBDIVISION IN SECTION 14, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF JOYCE'S SUBDIVISION AFORESAID RECORDED SEPTEMBER 25, 1964 AS DOCUMENT R64-36061, IN DUPAGE COUNTY, ILLINOIS.

PIN: 05-14-307-062

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

1. That the project shall be constructed in substantial conformance with the plans as submitted and the testimony presented at the February 1, 2022 public hearing of the Zoning Board of Appeals including the site plan, received on November 30, 2021 attached hereto as Exhibit "B" and the elevation, not dated, attached hereto as Exhibit "C".

Section Four: The Building and Zoning Official is hereby authorized and directed to issue building permits for the subject property, consistent with the variation granted herein, provided that all conditions set forth hereinabove have been met and that the proposed project is in compliance with all other applicable laws and ordinances. This granting of a variation shall expire and become null and void twenty-four (24) months from the date of passage of this Ordinance unless a building permit to begin construction in reliance on the variation is applied for within said twenty-four (24)-month time period and construction is continuously and vigorously pursued provided, however, the Village Board, by motion, may extend the period during which permit application, construction, and

completion shall take place.

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

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

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

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

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

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

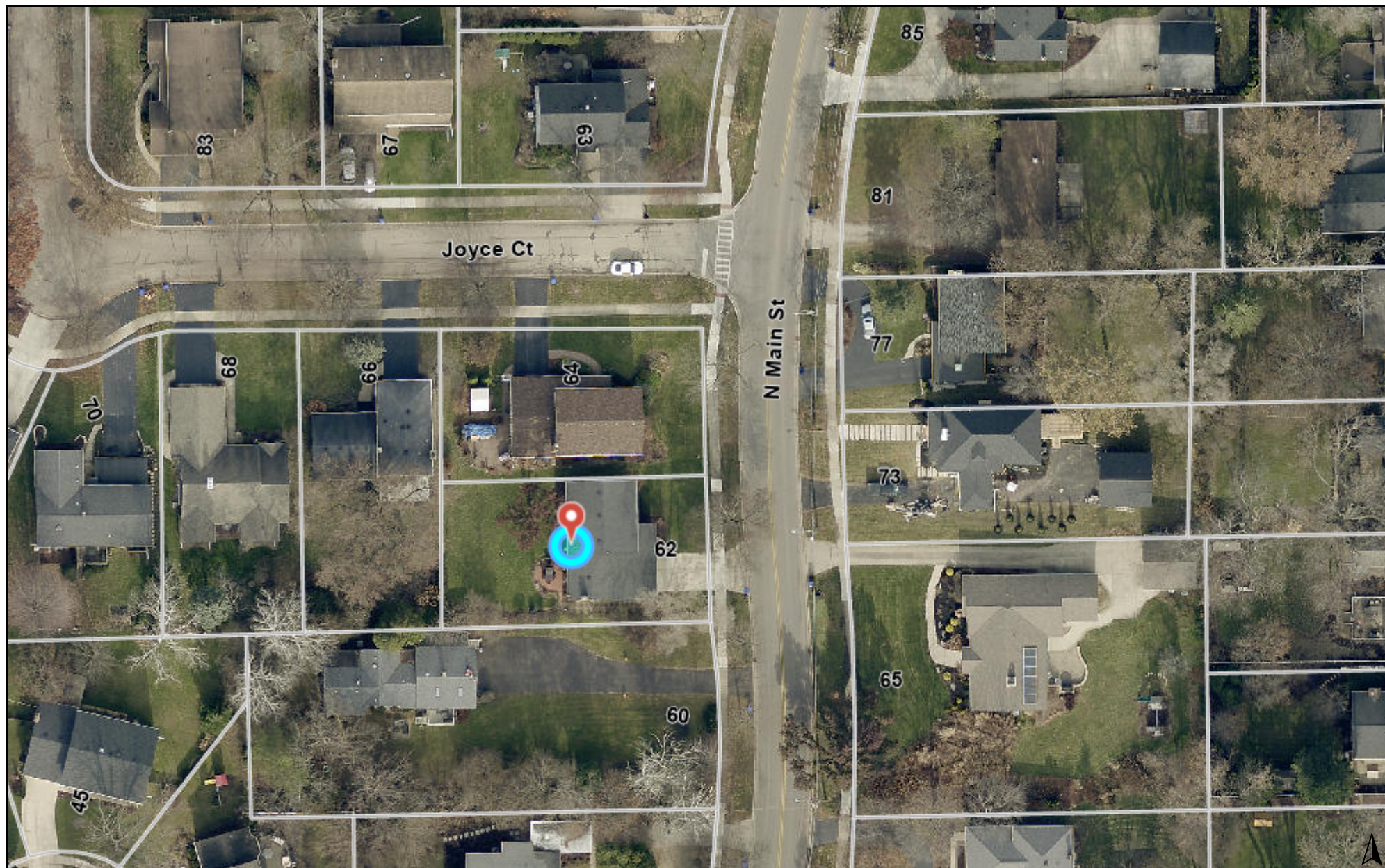
Village President of the
Village of Glen Ellyn, Illinois

Attest:

Village Clerk of the
Village of Glen Ellyn, Illinois

AFFIX VILLAGE SEAL

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



0 100 200
ft

Print Date: 12/6/2021

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.



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VILLAGE OF GLEN ELLYN

VILLAGE OF GLEN ELLYN

Zoning Variation Request Packet

Community Development Department
535 Duane Street – Glen Ellyn, IL 60137 – Telephone 630.547.5250 – Fax 630.547.5370

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

CLEAR ALL PAGES

APPLICATION FOR VARIATION

For the property at 62 N. Main Street 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: John and Kathleen Naliwajko

Address: 62 N. Main St., Glen Ellyn, IL 60137

Home Phone No.: N/A Cell Phone No.: 630-935-6790

Fax No.: N/A

E-mail: knaliw@yahoo.com

Ownership Interest in the Property in Question:

100% owneship in above-mentioned 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):

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

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

☐ YES

☒ NO

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

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

☐ YES

☒ NO

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

III. PROPERTY INFORMATION:

Common address: 62 N. Main Street

Permanent tax index number: 05-14-307-062

Legal description:

See Plat of Survey.

Zoning classification: R-2

Lot size: 126.19 ft. x 71.03 ft.

Area: 8963.93 sq. ft.

Present use:

Single-family home, primary residence.

IV. INFORMATION REGARDING THE VARIATION(S) REQUESTED:

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

Section 10-4-8(E)1 to allow lot coverage of 23.8% in lieu of 20%.

Estimated date to begin construction: As soon as possible.

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

Rick Rearick- Architect
155 N. Park Blvd., Glen Ellyn, IL 60137

Denise DiVarco- Designer
Denori Design, Inc.
987 Fox Path, West Dundee, IL 60118

Matt Ortiz- ROC Construction and Remodeling
6N055 IL Rte. 25, St. Charles, IL 60174

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

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

A. Standards Applicable to All Variations Requested:

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

**** See next page for this response rewritten****

We own a lot in Glen Ellyn which as some lot coverage zoning restrictions that require us to receive a variance from the village in order to add a small amount of additional first-floor living space to our existing residence. Current lot coverage is 20%. Requested variance will place lot coverage at 23.8%. We would like to renovate and reorganize a portion of our first-floor space to allow for a more open living concept, as well as make much needed updates/improvements for the value of the house to increase. We plan to update the kitchen and dining room areas. We would like to relocate our office space (currently in front living room) to the back of the house in the family room. The current space is used by Kathleen for her full-time position as a telephone triage nurse at the University of Illinois Chicago (UIC). She is currently contracted to work from home with UIC. It is necessary to move her work space from the front of the house to the back to provide a more private and quieter work space by moving further away from the noise level and distraction on Main Street. Our kitchen is very small and outdated, and with a growing family we need more room to move around and seat our family. In order to execute on this design, we need to add a small amount of space as a single-story addition to the back of our house. The issue we have with doing this project is our existing house footprint is just over the current maximum of 20% lot coverage ratio. When we purchased the home in 1994, the permitted lot coverage was 25%. We made the purchase of the property with the plan to add on the back of the house when we reached the financial means to do so. A few years after we purchased the property, the village changed its lot coverage to 20%, which requires us to ask for the variance at this point in time. Had the change not occur, we would not need a variance to complete our desired changes/updates because our plans would have remained under the 25% requirement at the time of the purchase. The necessity of the added workspace requirement increases the necessity for our variance request to be approved. For the current Village code, our attached garage adds the garage square footage to the lot coverage calculation. If the garage was detached, we could deduct the square footage of the garage from our current lot coverage, however the current house design precludes re-visiting that option.

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):

In order to make updates/enhancements (as stated above) we wish to be granted a variation of the zoning code. As the code currently sits (20%), we are unable to make said updates and enhancements. When the property was originally purchased, the zoning code resided at 25% and we relied on that percentage to make future improvements and updates to the house and property. We believe our return without the ability to improve the property and/or house is severely hampered and unreasonable. As the house currently sits, it is impracticable for remote-working and our previously-mentioned growing family. The sought changes would not be a nuisance or burden to any neighbors or to the adjoining properties. The current zoning percentage impedes on increasing the value of the home by way of much needed improvements and updates.

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

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 strict letter of the Zoning Code:

"We own a lot in Glen Ellyn which has some lot coverage zoning restrictions that require us to receive a variance from the village in order to add a small amount of additional first-floor living space to our existing residence. Current lot coverage is 20%. Requested variance will place lot coverage at 23.8%. We would like to renovate and reorganize a portion of our first-floor space to allow for a more open living concept, as well as make much needed updates/improvements for the value of the house to increase. We plan to update the kitchen and dining room areas. We would like to relocate our office space (currently in the front living room) to the back of the house in the family room. The current space is used by Kathleen for her full-time position as a telephone triage nurse at the University of Illinois Chicago (UIC). She is currently contracted to work from home with UIC. It is necessary to move her workspace from the front of the house to the back to provide a more private and quieter workspace by moving further away from the noise level and distraction on Main Street. Our kitchen is very small and outdated, and with a growing family we need more room to move around and seat our family. In order to execute on this design, we need to add a small amount of space as a single-story addition to the back of our house. The issues we have with doing this project is our existing house footprint is just over the current maximum of 20% lot coverage ratio. When we purchased the home in 1994, the permitted lot coverage was 25%. We made the purchase of the property with the plan to add on the back of the house when we reached the financial means to do so. A few years after we purchased the property, the Village changed the lot coverage to 20%, which requires us to ask for the variance at this point in time. Had the change not occurred, we would not need a variance to complete our desired changes/updates because our plans would have remained under the 25% requirement at the time of the purchase. The necessity of the added workspace requirement increases the necessity for our variance request to be approved. Per the current Village code, our attached garage adds the garage square footage to the lot coverage calculation. If the garage was detached, we could deduct the square footage of the garage from our current lot coverage, however the current home design precludes re-visiting that option."

OR

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

As stated above, we have zoning issues because of the change the Village made after our purchase of the property from 25% to 20%.

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

We believe the requested variation would not alter the character of the property or the adjoining properties. The single-floor design will be entirely in keeping with the character of both our house and the neighborhood alike. Our planned changes maintain the same exterior appearance and character as the existing structure and we do not feel they will adversely impact any neighbor. The neighboring home, closest to the proposed addition belongs to Kathleen Naliwajko's sibling who have lived there since 1996. They are excited and proponents of the addition and give their permission and input.

- 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:

A required office space is needed for work and will most likely be the case of future homes everywhere. Kathleen prefers to work on the first floor in a designated office and not in a bedroom on the second floor. It is such a necessity that if we are not able to execute this plan, then we will have no choice but to relocate. We do not want to relocate because we have built a life here in Glen Ellyn since 1994. We have a network of family and friends nearby. We frequent the restaurants and shops in downtown Glen Ellyn. John is known in town for his frequent and daily running on the Prairie Path as he has completed almost 30 Chicago Marathons.

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

Our lot no longer supports a small addition to our home based on the changes to the Village Zoning Code from 25% to 20% lot coverage that was altered after we purchased the property. We feel that this first-floor addition will not be different from nor obstructive to other houses in the neighborhood and within the zoning district. We feel we are asking for a fair and reasonable variance and are not trying to go beyond anything that the Village hasn't approved in the past.

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 have been the property owners since 1994. We have put our three children through the Glen Ellyn Public School system, we are also members of the St. Petronille Parish and longtime YMCA members. At the time of the purchase, we intended to add extra living/work space, but only when the financial means permitted that addition. We thought that with the 25% lot coverage at the time of the purchase, would have allowed for our intended addition when the appropriate time came. After living here for the last 27 years, we would like to re-design our first-floor space to provide a more open living/work concept. We want to upgrade and add on to the house in the most efficient way that will give us the space to function for remote-work and for our family, all while remaining consistent and competitive with the character and housing market in Glen Ellyn. With this addition, we plan to live here for another 30 years.

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

The difficulty was created by the zoning code change for lot coverage and we need a new home office space because of the recent changes in the working world with the dramatic increase of remote employment. If the lot coverage percentage had not changed, this request for a variance would be moot and unnecessary.

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.

We believe that this variation will help us without being detrimental to the adjacent properties or the general neighborhood, nor cause a negative change to the public welfare of the neighborhood. In fact, it is going to have a positive impact on the value of the home, which would bode well for the Village. The proposed addition at the rear of the home does not alter or impact lot drainage for our lot or any adjoining property. We believe strongly that the only impacts our plans would have would be positive for us and the community as a whole.

6. Provide evidence that the proposed variation will not:

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

No, since we are within the setbacks with out addition, we still have sufficient open air.

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

No, as stated above, we are within th setbacks for a building on this lot, which would not create a fire hazard.

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

We feel this addition will keep with the adjacent architecture and therefore will not impair the health, safety, comfort, morals or general welfare of the residents nor the Village of Glen Ellyn.

d. Diminish or impair property values within the neighborhood;

We feel this addition will not diminish or impair our nor any other property values. In fact, the improvements/updates on our home would increase the value of the property/home which would be a benefit to the Village.

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

We feel that the addition would not increase traffic or congestion, since it is at the rear of the property.

f. Create a nuisance; or

No distractions or nuisances are proposed nor expected.

- g. Results in an increase in public expenditures.

No addition of public expenditures are required.

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

We believe the addition is within the regulation of the zoning code of Glen Ellyn, as to setbacks, bulk and height and all other items. The only issue we have is the maximum lot coverage and we currently meet it.

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

We moved to Glen Ellyn in 1994 and have resided here since. Our needs for living space on our first-floor have changed since we initially moved in, though the desire to make an addition and other updates/improvements were always a part of the plan. Our financial status has now permitted our ability to capitalize on the addition we have always envisioned since purchasing the property 27 years ago. The minute amount of additional space will permit us to complete the desired design of our first floor living/working space so that our home will be better aligned with our current living and working needs. We do not have any plans to leave Glen Ellyn and would like to update our home to best align with our living/working needs and to maximize our enjoyment of our home and remain living in the Glen Ellyn community.

VI. CERTIFICATIONS, CONSENT AND SIGNATURE(S)

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

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

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

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

<u>09/30/2021</u>	<u>Kathleen A Naliwajko</u>	<u><i>Kathleen Naliwajko</i></u>
Date	Print Name	Signature of Applicant
<u>09/30/2021</u>	<u>John Naliwajko</u>	<u><i>John Naliwajko</i></u>
Date	Print Name	Signature of Applicant
<u> </u>	<u> </u>	<u> </u>
Date	Print Name	Signature of Applicant

RECEIVED

NOV 10 2021

VILLAGE OF GLEN ELLYN

Affidavit Affirming No Conflict of Interest

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

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

Further affiant sayeth naught.

Name:

Title:

Applicant's Name:

Subscribed and sworn to me this

10th day of November, 2021.

Vanessa Dean Atkinson
Notary Public



DATE: September 24, 2021

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

Dear Zoning Board and Village Board members,

We are signing this petition to express our support for the variance request submitted by John and Kate Naliwajko for their home located at 62 North Main Street

We understand the reasons they are requesting this variance for the increase in lot coverage and we feel that this increase will not add any problems or issues that will affect the neighborhood.

We do not feel that any properties in the area of this home will be negatively impacted if this variance is granted. We feel that the proposed decreased interior side yard setback will not alter the essential character of the property in question but enhance their home and therefore have a positive impact on our neighborhood.

Thank you for your consideration.

Print Name	Address	Signature
Dale ALVIN	64 Joyce	Dale Alvin
MARIAN FERRIS	66 Joyce	marian Ferris
Heather Garser	68 Joyce	Heather Garser
CRAIG WILLIAMS	70 Joyce	Craig Williams
Barbara Williams	70 Joyce	Barbara Williams
Julie Alvin	64 Joyce	Julie Alvin
LISA CALLANTA	60 N. Main St.	Lisa Callanta
GIORGIO CALLANTA	"	Giorgio Callanta
Karly OLSON	54 N Main St.	Karly Olson
Larissa Zinkus	65 N Main St.	Larissa Zinkus
Tom Zinkus	65 N Main St.	Tom Zinkus
Megan Grennan	55 N Main St.	Megan Grennan
Reb Grennan	55 N Main St.	Reb Grennan

**DRAFT MINUTES
ZONING BOARD OF APPEALS MEETING
February 1, 2022**

Call to Order and Roll Call

Zoning Board of Appeals Chairperson Gregory Constantino announced that the evening's meeting would be conducted remotely, in accordance with a disaster declaration associated with Covid-19, and called the meeting to order at 7:02 p.m. Mr. Constantino, who explained the advisory nature of the ZBA, its function, and the procedure for making determinations about matters brought before it.

Roll was called. Present: Chairperson Constantino and Zoning Board of Appeals Members Matthew Jones, Katie Crudele, Michelle Covington, Chip Miller, Reed Panther and Thomas Whalls. Absent: Maggie Wachter.

Chairperson Constantino went over public hearing protocol, announced that the meeting will be recorded, and introduced the following individuals affiliated with the Village: Planning Manager Kelly Purvis, Planner Atrian Fard, Associate Planner Taylor Gendel, Recording Secretary Barb Dutton and Board of Trustees Liaison Anne Gould.

Motion to Allow Remote Participation

A motion to allow remote participation in the meeting by the ZBA was made by Katie Crudele and seconded by Matthew Jones passed unanimously upon roll call vote.

Approval of Meeting Minutes

Following a motion by Matthew Jones, seconded by Reed Panther, to approve the draft minutes of the December 14, 2021, the motion carried by roll call vote, with all of the Members voting, "Yes," except for Member Covington, who did not render a vote due to technical difficulties.

Public Hearing for 62 N. Main Street

A motion made by Mr. Whalls to open the Public Hearing concerning consideration of a zoning variation for 62 N. Main Street was seconded by Ms. Crudele and carried unanimously by roll call vote.

Staff Presentation

After being sworn in, Associate Planner Taylor Gendel, 535 Duane, stated that the Petitioners, the owners of 62 N. Main St., are requesting approval of a variation from the Glen Ellyn Zoning Code to allow a lot coverage ratio (LCR) of 23.95 percent to build a one-story addition on a single-family residence. The subject property, she explained, is an interior lot located in the R2 Residential Zoning District on the west side of Main Street between Joyce Ct. and Dorset Ct. The zoning and land use immediately around the property is park and single-family residential. The owners currently have an LCR of 18.43 percent, related Ms. Gendel, saying the current home was built in 1979 with an attached garage. Ms. Gendel stated that the homeowners wish to add a 4,95SF first-floor addition to expand the rear family room and convert it to office space, they say is needed for the wife's remote work. To construct the addition as proposed, continued Ms. Gendel, the petitioners would need to be granted a variation from the Zoning Code to allow an LCR that exceeds maximum allowed of 20 percent. She related LCR bonuses accorded by the Village, including a porch bonus for which the Petitioners qualify. Ms. Gendel said the Petitioner states

that when they made the purchase of the property in 1995, the maximum LCR permitted was 25 percent, and they had the intention to pursue a rear addition when they had the financial means to do so. With the addition, Associate Planner Gendel added, they plan to live in the home another 30 years.

ZBA Questions

So, to accommodate a rear garage, ZBA Member Jones asked the minimum driveway width permitted in the R2 District. Planning Manager Purvis replied that it is 9 feet, and sworn in, went on to calculate the impervious surface setback for a driveway on the subject property as 2.25 feet. Mr. Jones asked if a driveway could be put in the utility easement on the south side of the property. Ms. Purvis replied, “No,” explaining that no permanent improvements are to be constructed in the 10-ft. public utility and drainage easement (adding that doing so would require utility company permission). ZBA Member Miller asked for confirmation of the average residential lot size in Glen Ellyn. Ms. Purvis responded that while she didn’t know the average, R2 lots are required to be a minimum of 8,600SF.

Petitioner’s Presentation

John and Kathleen Naliwajko, 62 N. Main St., Glen Ellyn, were sworn in. Ms. Naliwajko stated that the Petitioners have been in Glen Ellyn since 1994, and from the beginning had thought they might add at least a porch to the house. In light of the permanent change in her work location status, and an expanding family, she maintained that the addition is necessary – asserting that the Petitioner’s would likely have to sell the house if they are unable to realize the expansion envisioned. She said they wouldn’t want to sell, stressing that they happily make use of Village amenities. Mr. Naliwajko said the living room is taken up by an office (adding that the Petitioners are also expanding the kitchen). ZBA Member Miller asked if there is a bedroom or basement space for an office for Ms. Naliwajko. She replied there is, but explained that additional kitchen space is needed (and is something they can now afford), as the existing space presents a hardship in hosting family dinners. Ms. Naliwajko stated that the LCR requirement used to be under 20 percent.

Sworn in, the Petitioners’ architect, Rick Rearick, 155 N. Park Blvd., Glen Ellyn, reiterated that the utilities easement restricts the ability to feasibly build a detached garage on the property, and said the change in the Zoning Code in the years they owned the house is a hardship, as well as is to the work-from-home arrangement which begs for office space away from other areas of the house. He called the addition as planned a practical solution that requires less lot coverage than a detached garage, and less impervious area.

Recognizing that the easement (south) restricts the only practical area on the property for a driveway to get to the rear portion of the property, Chairperson Constantino asked if the amount of space needed is the least amount practically as it relates to the amount of the variance requested. Mr. Rearick stated that he believes it is the smallest amount practical that still works. The Chairperson asked the Petitioners if there had been any contact with the neighbors – and any feedback received. The Petitioners responded negatively, though Ms. Naliwajko’s said her sister who lives next door is supportive of the project. Mr. Rearick noted that the addition could have been bigger prior to 2000.

ZBA Member Panther reviewed the findings of fact. ZBA Member Covington asked for a motion to accept the findings; seconded by ZBA Member Jones, the motion passed unanimously by roll call vote.

Deliberation

ZBA Member Covington said she was inclined to approve, given the Code change mentioned. ZBA Member Crudele cited this Zoning change, as well as the easement restriction, as reasons she intends to vote in favor. Due to the easement situation, Member Jones said he was “okay with it.” Member Miller said he couldn’t go with the office space or the Code change as reasons to approve the request, but can go along with the easement hardship. Mr. Panther said he sees the Code change as presenting a challenge, though expressed concerns about setting a precedent; however, along with the easement challenges, is in favor. Mr. Whalls indicated that the side yard setback issues are “tough.” Observing no setback encroachments, storm-water drainage issues or neighbor vision impairment with the plan, said he is “in” on this one. Chairperson Constantino opined that in past lot coverage change has not been considered a hardship (though he thought this might change given all the teardowns replaced by oversized houses), and doesn’t think that work-from-home trends necessarily represent a general hardship, but given the easement restrictions in the case at hand, said he will recommend approval of the variance.

Member Whalls, seconded by Member Covington, moved to close the public hearing; the motion passed unanimously by roll call vote.

ZBA Member Miller moved for the following:

Having considered the application of John and Kathleen Naliwajko, owners of the property located at 62 N. Main Street, Glen Ellyn, for a zoning variation from Section 10-4-8(E)(1) to allow a lot coverage ratio of 23.95 percent where a maximum 20 percent lot coverage ratio for two story single-family dwellings is allowed in the R2 Residential District, 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 February 1, 2022, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following hardship(s) or unique circumstance(s): Due to easements the owners cannot use the garage bonus because there’s no space for a driveway. Seconded by ZBA Member Jones, the motion passed unanimously by roll call vote.

Public Hearing for 737 Forest

A motion made by Member Miller, seconded by Member Covington, to open the Public Hearing concerning consideration of a zoning variation for 737 Forest passed unanimously by roll call vote.

Staff Presentation

Sworn in, Associate Planner Taylor Gendel, 535 Duane, Glen Ellyn stated that Petitioner Ray Whalen Builders Inc., owner of the property at 737 Forest Avenue, requests approval of a variation from the Glen Ellyn Zoning Code to allow an LCR of 26 percent for the property, an interior lot located in the R2 Residential Zoning District, on the east side of Forest between Oak Street and Maple Street. The zoning and land use immediately surrounding the subject property is R2 single-family residential, she said, explaining that the Petitioner proposes constructing a new single-family home at 737 Forest. The proposed residence would have a 26-percent LCR. This variation request to exceed the maximum LCR is due to the fact that there are large Oak trees on the property that the builder would like to preserve, she stated. The placement of the trees, she continued, prohibits him from building a new detached garage in the rear yard. The extra lot coverage requested, she explained, is to construct a home with an attached garage which will allow the trees in the back yard to be saved. Petitioner Whalen has indicated that he can construct a code-compliant home with a detached garage, said Ms. Gendel, but the large Oak trees would

have to be removed. She stated that the Village's tree consultant has reviewed the plans and agreed that construction of a new attached garage would damage the two Oak trees.

What he is proposing instead, she said, is to construct the same square footage on the lot as would be permitted if he were getting the detached garage bonus of 500SF. Therefore, the lot coverage ratio would be 26 percent where 20 percent is allowed, however, the actual square footage coverage of the lot would be the same in either case. The Petitioner is willing to attach the garage to the home to save the Oak trees (forgoing the detached garage bonus) but would like to be able to build the same square footage in the home. He does anticipate the home having a front porch and he would benefit from the lot coverage bonus of up to 240SF for that improvement. The Petitioner has indicated that the proposed home would meet all other requirements of the Zoning Code.

If the variation is granted, said Associate Planner Gendel, the Oak trees saved would be numbers 14 and 16 on a Lot Development Plan she displayed. According to the Petitioner's tree consultant, they are in reasonable condition and stand great likelihood of survival, providing the appropriate steps are taken to reduce the impact of the construction. Trees 14 and 16 would undergo significant damage from construction if the existing garage is to be torn down and replaced, she continued, saying that according to the consultant, if the garage is to be replaced the trees may still be salvaged, but doing so would require more in-depth pre- and post-construction treatment to enhance their likelihood of survival. The Village's tree consultant, she related, agrees that these two trees would do best if the existing detached garage was demolished without being rebuilt. Ms. Gendel related that the Village's consultant also stated that trees 14 and 16 are approximately 2 ft. from the current structure and it is likely they have adjusted to the current garage; roots likely have grown around it and would be minimally disturbed by the garage's removal. A new structure would likely cause more ground disturbance and the need for root pruning, especially if the size of the detached garage were to change. Ms. Gendel related that the Village's consultant mentioned that Oaks can live upwards of 200 years, and that she also recommends not removing trees 4 or 8 and disagrees with the Petitioner's submitted tree evaluation, specifically with regard to these trees, which the consultant deemed also significant and in fair condition. Ms. Gendel reported that Mr. Whalen provided an updated demolition plan and notes that tree No. 4 would likely require removal to accommodate water and sewer line placement.

ZBA Member Jones asked for confirmation that existing garage (built in 2015) is not a blight to be removed. Ms. Gendel didn't believe so. Mr. Jones asked if it could be kept. Ms. Gendel thought so.

Petitioner's Presentation

Ray Whalen, 177 Sunset Ave., Glen Ellyn, was sworn in. He stated that after the subject property was under contract, he learned that to construct a new, code-compliant home he would have to remove a significant number of trees, which he contends are an important aspect of the character of this particular neighborhood. Encouraged to seek a variation by combining the LCR bonuses, he continued, he wishes to build a 2,100SF residence while saving Oak trees on the property. He argued that a front-load attached garage would require less impervious surface, benefitting a neighborhood that already has water problems. This plan would also allow more open space in the rear yard, he added. He stated that he met with a tree consultant, whose report with which the Village's consultant concurs. Urged to seek Village Board input, Mr. Whalen related that he was instructed by Village President Senak to respect the process, and that the Petitioner sought input from the Historic Preservation Commission and has been invited to attend the Feb. 15th meeting of the Environmental Commission to discuss tree protection.

For clarification, the Petitioner stated that he only owns the property at 737 Forest, which he acquired it after the owners of 735 Forest and who contacted him about building a house on that lot. Mr. Whalen maintained that the variance he's seeking will allow him to have a greater side-yard setback between the two houses. He concluded by saying that he wants to build a house that meets today's standards, and refuting an accusation of greed (i.e., overbuilding on the property), said that carrying the property while going through the process to save trees comes at a cost to him (as does designing a custom plan).

Confirming that the Petitioner paid a premium for the lot, Member Jones asked the Petitioner if he felt he overpaid for it, saying he expects prized properties in town to command high prices in the future. Mr. Whalen stated that between the subject property and the one adjacent to it, it is the highest cost paid per square-foot in Village history, and that he's seen greater price increases in Elmhurst and Downers Grove. Mr. Jones asked if Mr. Whalen if this is in part due to LCR coverage and whether a higher LCR would allow more building being done in Glen Ellyn. Mr. Whalen said an appraiser he used feels Glen Ellyn's values declined. The Petitioner said he thinks homes are quite large already, especially on smaller lots. Responding to a further question from Mr. Jones, Mr. Whalen stated that Public Works requires 10 feet of separation between Tree #4 and water and sewer lines, explaining that this is horizontally, as the Village doesn't permit shelving outside of unique circumstances.

ZBA Member Miller asked what's wrong with the six-year-old garage that it can't be resided. Mr. Whalen replied that, in addition to being a poorly placed ugly structure, it is only about 19 feet wide inside, and the overhead door is only 7 ft. tall, so doesn't accommodate an SUV. (He also indicated that the neighbors to the rear want it gone.) Mr. Miller asked the plans for sewer and water, to which Mr. Whalen responded that the Village has upgraded the sewer and water, so going into the parkway to the B box (where there's a cleanout) is currently Code compliant. Given the buildable area, he said he'll be required to come across the sidewalk and separate sewer and water as far as he can as quick as he can to meet the State's 10-ft. requirement, only going from the B-box to the new home. In response to a question from Member Miller about setting precedent among developers, Mr. Whalen said the proposed project is distinguished by the objective of saving trees, which for him amounts to a long-term perspective.

ZBA Member Whalls asked if the electricity would be coming in from the back or the front yard. Mr. Whalen said he'd not gotten that far, but that it would not be traversing over the garage, but rather it will be underground. Mr. Whalls asked how close the trenches would be to either of the big trees. Mr. Whalen said the lines will be on the southeast corner and doesn't think he'll impact the trees.

Chairperson Constantino, referring to the Petitioner's request for direction at the December Zoning Board of Appeals meeting, recalled Mr. Whalen granted the variation using the bonus square footage being agreeable to placing a condition on the property prohibiting a larger structure being built in the future, and wondered if Mr. Whalen is still willing to accept such a condition. Mr. Whalen replied, "Absolutely," adding that he is amenable to not building over the porch, saying he's not looking to build "a monstrosity."

Disturbed by the proposed 26 percent LCR, Mr. Jones asked the Petitioner if he'd be willing to take off the screen porch to bring down the percentage. Mr. Whalen replied, "Probably not," maintaining that the porch is a selling feature. Mr. Jones expressed that he's more comfortable with an LCR of 25 percent. Mr. Whalls wondered what the square footage would be if the LCR was capped at 25 percent. Planning Manager Purvis calculated the difference as 80SF. Chair Constantino asked if the LCR would also be 26 percent with a detached garage (and qualifying for the bonus); Mr. Whalen replied affirmatively.

Ms. Gendel read into the record the following letters received:

Stacey Zagortz, 745 Forest Ave.: *I would like to express my concerns of flooding/run-off with the proposed variance of 30% increased lot coverage. As the house at the bottom of a hill, our home has flooded multiple times from run-off caused by melting snow and rain. We have at significant financial burden, remedied these problems. We oppose this measure. We would like the zoning committee to fully understand the drainage run-off implications and we want to understand what recourse we have with the Village should the measure be approved and should we start to once again experience drainage issues.*

Steven and Beth Dimmitt, 737 Forest Avenue: *My name is Steven Dimmitt and my wife Beth and I recently purchased the home/lot at 735 Forest Avenue in Glen Ellyn.*

We have lived twice previously in Glen Ellyn and made the mistake to move out to Elmhurst. We are now working to move back to what we feel is the most beautiful suburb in Chicagoland.

One of the main reasons we are moving back is the beauty of the town which includes all of the trees in the neighborhoods especially around the lake. We understand that Forest Avenue actually derived its name from the myriad of trees on that street.

We understand that Ray Whalen Builders is requesting a zoning variance on 737 Forest Avenue that would require going beyond the allotted LCR for the purpose of saving trees on that lot.

Beth and I are in full support of this. Our lot next door is a great location in part due to the trees in our yard, the trees on 737, the trees to the south of us and the trees behind (to the east of us).

We have built homes before and to have a builder want to save trees is an anomaly in our experience. Builders usually want to cut down trees to make the process easier.

We chose Ray Whalen Builders to build on our lot as well and one of the reasons was his willingness to work around the trees on our lot. It would have been easier to build a one story home using the 35% LCR but it would have taken out some wonderful trees in the backyard of 735 Forest. Ray is working with us to find a way to save them. We have already invested >\$7K in protecting and maintaining the trees on that lot.

In closing, we hope that Ray Whalen's request is approved as we need to keep all the trees we can in Glen Ellyn...not only for the beauty of the town but what it does for our environment and health.

Deb and Greg Klamrzynski, 735 N. Park Blvd.: *Good morning. I'm writing this email in support of the variance sought by the owners of 737 Forest Avenue. We (Greg and Deb Klamrzynski; 735 N. Park Blvd.) are unable to attend tonight's meeting; however, we are in support the variance requested.*

The variance requested would preserve several beautiful and well established oak trees. Our neighborhood is characterized by the stunning trees that line the streets and populate our neighbor's property. While I understand that sometimes it is necessary to remove trees to accommodate a new construction, I believe that when there is a solution that would allow homeowners to preserve well established trees, we should do what we can within reason to preserve them. Removing the trees to accommodate a detached garage would destroy so much beauty and history of the land in this neighborhood. Additionally, granting this variance wouldn't increase the lot coverage ratio. The exception requested is not unreasonable to retain the character and beauty the trees bring to the Lake Ellyn neighborhood.

Thank you for your consideration of this variance.

Jeffrey J. Basso, 726 N. Park Blvd. was sworn in. After some discussion to clarify the garage bonus allowance offered by the Village, Mr. Basso voiced an objection to the project, saying that an LCR of 26 percent “seems excessive,” saying he doesn’t want to see a house that is too big for the lot (though would like to see the existing garage removed). Mr. Constantino stressed that the issue at hand is the square-footage of the footprint on the property, a clarification for which Mr. Basso expressed thanks.

ZBA Member Panther reviewed the findings of fact. ZBA Member Whalls asked for a motion to accept the findings; seconded by ZBA Member Covington, the motion carried unanimously by roll call vote.

Deliberations

ZBA Member Covington said that while saving trees is important and she finds reducing impervious surface an attractive argument, she thinks an LCR of 26 percent is “awfully high,” and doesn’t understand why another type of home (of a different size) can’t be built on the lot. ZBA Member Crudele said she can get “on board” with keeping the trees and accommodating the water issues by potentially increasing impervious surface, however, thinks the 26 percent is high. In the interest of maintaining the “essential character of the neighborhood, she said is leaning toward recommending approval. While he appreciates the effort to save trees, ZBA Member Jones indicated that it would be easier to reach a determination if he could see a complete plan, to gain an understanding of the bulk it presents for the building, but added that at 26 percent LCR, he’s a “No.” Board Member Miller said that while he believes the Petitioner is trying to save trees, he draws the line at 25 percent. With the trees being assessed to be only of “fair” quality, he said he’s concerned about setting a precedent, so would vote, “No” on approving the Petitioner’s request. Undecided, Commissioner Panther also expressed concern about the 26-percent LCR, and Commissioner Whalls said that despite some plan aspects of which he is in favor, 25 percent is his maximum. Chairperson Constantino said he struggled with the 25 percent limit vs. 26 percent request but would be in favor of recommending granting the requested variation, citing Preservation Commission support, neighbor opinion, and the prospect of losing mature trees.

Associate Planner Gendel reported that the Village’s Consulting Engineer had no concerns about storm water (and said that if the developer is decreasing the amount of impervious surface, he won’t be required to provide a dry well, but given the topography will have to direct runoff toward Forest). Regarding Mr. Miller terming trees in “fair” condition, she said, according to the Arborist trees assessed to be in “excellent” condition are only found in an arboretum, so “fair” is a normal grading of a healthy tree in a residential area. Mr. Whalen interjected that increasing the area between the two new homes will help in water management.

Commissioner Covington asked if there’s a reason another type of home can’t be constructed on the lot. Mr. Whalen explained that the plan starts with the garage dimension, which limits the width of the home that can be built, and added that the lot is on an angle and so is also a constraint. After the Chairperson polled the members as to their stance, Ms. Crudele moved to close the public hearing; seconded my Member Covington, the motion passed unanimously by roll call vote.

ZBA Member Whalls moved for the following:

Having considered the application of Ray Whalen, owner of the property located at 737 Forest Ave. Glen Ellyn, for a zoning variation from Section 10-4-8(E)(1) to allow a lot coverage ratio of 26 percent where a maximum 20 percent lot coverage ratio for two story single-family dwellings is allowed in the R2

Residential District, 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 February 1, 2022, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following hardships or unique circumstances:

1. Improvement of drainage in the rear yard;
2. The preservation of mature Oak trees on the property;
3. And that if using the exemption on the 500 ft. for the garage whether it's attached or detached the LCR is pretty much the same.

Seconded by ZBA Member Crudele, the motion carried by roll call vote, with Members Whalls, Crudele, Panther and Constantino voting, "Yes;" and Members Jones, Covington and Miller voting, "No."

Public Hearing for 298 Oak Street

A motion made by ZBA Member Crudele, seconded by Member Whalls passed unanimously by roll call vote.

Staff Presentation

After being sworn in, Planner Atrian Fard, 535 Duane Street, reviewed the case for a construction-necessitated zoning variation request: The subject property, 298 Oak Street is an interior lot on the north side of Oak Street and between North Kenilworth Avenue and Western Avenue. The Petitioner is requesting a public hearing for to allow a lot coverage ratio (LCR) of approximately 21.8 percent on the subject property in lieu of the maximum permitted lot coverage ratio of 20 percent. The subject property and all surrounding properties are zoned R2 – Single Family Residential District and are all improved with single-family homes. Planner Fard related that on October 21, 2019, a building permit application was filed for the subject property to install a new patio in the rear yard. Several days later, stated Planner Fard, Staff sent a rejection letter stating that the permit application was for a rear patio; the drawings also included a roofed pavilion with a fireplace that would cover a part of the proposed patio. Additionally, she continued, Staff at the time noted that the house was at the maximum allowable LCR of 20 percent, and the addition of the pavilion would exceed the lot coverage limitation. Consequently, stated Ms. Fard, the architect for the project, Mr. Anthony Montalto, filed their second submittal in response to the review comments where they agreed to remove the enclosed pavilion from the application and replace it with an open pergola equipped with the originally proposed fireplace. Per the Zoning Code, she explained, a pergola would be exempt from the LCR calculations because it is constructed with an open material on top so is not considered a roof structure.

So, the plans for the pergola were approved, continued Ms. Fard, who said that on June 6, 2020, the permit was issued. After the final building inspection passed on September 25, 2020, the permit was closed out. In August 2021, she related, the Village received calls from a neighbor regarding work done on the subject property without a building permit being obtained. The Village performed a building inspection and found that the permitted pergola had been replaced with the previously denied roofed pavilion. The Village notified the Petitioner of the violation and requested construction details for the built pavilion, which currently exists. After reviewing the new drawings, Staff informed the homeowners of the need to either remove the nonconforming roofed structure to comply with the maximum allowable

LCR of 20 percent or file for a Construction-Necessitated Zoning Variation (CNZV). On October 28, 2021, the homeowners filed for a CNZV request.

The Village Zoning Code, explained Planner Fard, regulates a freestanding pavilion as a gazebo, which is not to exceed 250 sq. ft. in area. According to the most recent plat of survey, she stated, the roofed pavilion measures 249.6 sq. ft. Although compliant in size, the new pavilion increased the lot coverage ratio to 21.8 percent that would make the property approximately 249.15 sq. ft. over the permitted lot coverage of 2,766.45 sq. ft.

According to the Petitioner, reported Planner Fard, the family faced a lot of challenges due to the Pandemic, which led to the closure of schools during the fall and winter of 2020. So, in November 2020, continued Ms. Fard, the homeowner replaced the pergola with a roofed pavilion without informing the Village. The Petitioner also claims that maintaining the pavilion as built would provide an outdoor area for social events during cold seasons and a safe place for children to learn and play. A zoning variation for LCR will need to be granted for the pavilion to remain as built, said Ms. Fard. If the request is denied, she added, the Petitioner will have to spend approximately \$5,500 to remove the nonconforming covered structure plus another \$18,700 to construct a new pergola in its place.

Planner Fard cited a previous matter before the ZBA: The homeowner of 298 Oak, Mr. Kevin Wallace, president of Addlawn Landscaping Inc., has been recently involved in another CNZV request as the contractor for the single-family residence at 523 Fairway Court. The Fairway case was initially filed by Michael Fisher, owner of the property, for a pergola that had been constructed in the required rear yard setback without the granting of a variation. While Mr. Fisher claimed that he was unaware that the pergola needed a variation, Mr. Wallace, the contractor of the project, took full blame for the pergola being constructed without first receiving a variation. Mr. Wallace also had confessed that he was aware of the requirement and "dropped the ball." While the ZBA recommended denying the request, the Village Board approved it in July 2021. Despite the fact that Staff had fully informed the homeowners of 298 Oak of the Code provisions during the permitting phase prior to the construction, said Planner Fard, it appears that the petitioner deliberately chose to ignore the standards after the passage of final building inspection. If the neighbors didn't notify the Village of the changes that occurred after the permit was closed out, she noted, the Village would never have become aware of the nonconformity. Ms. Fard outlined ZBA possible action on the case at hand.

Petitioner's Presentation

Maureen Wallace, 298 Oak St., and Anthony Montalto, 304 Oak St. of Glen Ellyn, were sworn in. Ms. Wallace stated that she has four children who were schooled from home during the Covid-19 pandemic, and that with her working from home, the family needed a quiet place to work. She said the situation was taking a mental toll on her diabetic teenage son. She continued, saying that with the parks, schools and restaurants closed, there was no place for teenagers to hang out, and with socializing now being done outdoors, the space that is the subject of the hearing provided a place for youngsters to gather safely and supervised. She contended that she did what was right for her family at the time, and that removing the subject structure would be a hardship – both financially and for her children's wellbeing. Further, Ms. Wallace placed blame for the aforementioned Fairway Court mishap on an employee of her husband's company, saying her husband was unaware of it until it became an issue with the Village, and that he accepts responsibility in the matter. She further stated she was glad when the pavilion plan was initially

denied, but when the idea resurfaced once Covid-19 hit, she decided in the interest of time to move ahead without a variation.

ZBA Member Whalls, who later told Ms. Wallace that she did not go about her pursuit the right way, asked her why she did not get a revised permit. Ms. Wallace replied that she was fine with the pergola, but after schools shut down, she felt something needed to be done as her children were suffering. Chairperson Constantino asked Ms. Wallace why, in coming to this decision, she did not attempt to obtain a new permit or initiate the variation process. Expressing a “timing issue,” Ms. Wallace responded that the Village offices were closed at the time, she perceived the permit process to be slow, and the plan to move ahead with the project as they did represent an “immediate need,” citing health concerns. She indicated she would have done so under different circumstances. Mr. Montalto, neighbor and architect, attested to the quality of construction and the character of the pavilion. Mr. Miller asked who built the roof. Ms. Wallace said it was a contractor she found. Mr. Constantino asked what hardship relative to the property she could identify. Ms. Wallace said she did what she did to bring her son out of a “funk.”

Planner Fard referred to a table she created listing 24 letters received in support of the pavilion and the variation requested and read into the record the following letters received. (The first of these was not listed in the table, and the second one, while listed, was specifically requested by Member Jones to be read aloud.)

Jim & Patti Campanella, 323 Elm Street, Glen Ellyn: To whom it may concern -

I am writing this letter regarding the property located at 298 Oak Street which is occupied by the Wallace Family. It was brought to my attention that the Village of Glen Ellyn is considering having the Wallace's remove an outdoor structure in their backyard. While our property is not adjacent to the property in question, I am familiar with the home and the new outdoor living space.

The Wallace Family prides themselves on carefully maintaining their property. I walk my dog by their home everyday and admire how much care & effort they put into it.

The structure is only 1.2% over the lot to roof ratio [LCR]. That small ratio seems insignificant in my opinion. It would be a shame if the Wallace family had to remove the structure. I know family & friends enjoy using the space, and it was beautifully constructed to aesthetically enhance their outdoor living space.

I hope the Village does the right thing and allows the Wallace Family to keep their beautiful outdoor space intact.

Laura Levin, Attending Physician, Division of Endocrinology, Ann & Robert H. Lurie Children's Hospital of Chicago:

To Whom It May Concern-

Ryan has Type I diabetes, which is an autoimmune condition. Since he has an autoimmune condition, he is considered immune compromised. During Covid, many teens have experienced some struggle with mental health. Particularly, we have seen this in our patients with diabetes. Ryan was beginning to show signs of this. The social isolation really affected many teens, and has led to an increase in depression and anxiety. As providers, we recommend that our patients socialize in distanced outdoor space for their own health and wellbeing. Being outside is considered safer for everyone during Covid, but especially for the immune compromised.

ZBA Member Panther presented the findings of fact, which Member Miller then moved to approve. Seconded by Member Covington, the motion carried unanimously by roll call vote.

Deliberation

ZBA Member Covington said we all had to deal with similar struggles, but we still have to follow rules as part of a community. Ms. Crudele said she understands the struggles expressed by the Petitioner but wishes the process could have been started for the variance. Saying the Petitioner displayed a complete disregard for the rules and regulations of the Village, Ms. Crudele said she is voting, “No.” to the variation, calling this a case of asking for forgiveness rather than permission.

ZBA Member Miller pointed out testimony indicating that the Petitioner’s husband knew of the short cut and was against building the pavilion. Mr. Miller also suggested that one could still go outside with a pergola in place. Mr. Miller didn’t see why at the time of the inspection in 2020, the Petitioner didn’t ask if the Village could speed up the process. Given that no attempt was made, Mr. Miller said he can’t vote, “Yes” to the variance, but rather is compelled to offer “a hard ‘No.’” Board Member Reed concurred, believing that the Petitioner deliberately tried to circumvent the process. With the Village rejecting the original structure, and the inspection of a different structure, he doesn’t have a lot of sympathy for the Petitioner, so his decision on the appeal is “No.”

Reiterating his bewilderment as to why the Petitioner hadn’t gone for another permit, ZBA Member Whalls. He said there are “millions of kids in this situation,” and asked why the Petitioner didn’t protest the issue with the State. Referring to Petitioner testimony about Village delays as “hearsay,” Mr. Whalls said his verdict is a “solid ‘No.’” Chairperson Constantino said that he is against recommending granting the variation, as action was taken with no attempt to request a variation and didn’t hear expressed a hardship or unique circumstance outside of Covid. He indicated that the Petitioners knew of the Department’s requirements and its position, hence brought the problem upon themselves, and that he would not recommend to the Board the granting of this variation.

Though ZBA Member Jones deemed that the Petitioner’s actions technically wrong by Village standards but said that his personal opinion is the mother did was right as a parent. While the determination should be a “No” and the Board is making the correct choice, he said he is sympathetic to Ms. Wallace’s situation, so will give her a “Yes” vote.

Planner Fard pointed out that because the requested variation only exceeds the LCR by 1.8 percent, and a variation request up to 2 percent is permitted to be handled administratively, the Petitioner could have appealed to Village Staff, which would not only have been quicker, but the Petitioner had a better chance to get approval. Chairperson Constantino surmised that because the work has already been done, it is too late for this course of action. Ms. Fard confirmed that this is correct. Mrs. Wallace said she was never notified of this option.

ZBA Member Whalls moved to close the Public Hearing on 298 Oak. Seconded by Crudele, the motion carried unanimously by roll call vote.

ZBA Member Miller moved for the following:

Having considered the application of Maureen Wallace, owner of the property located at 298 Oak Street, Glen Ellyn, for a construction necessitated zoning variation to allow a lot coverage ratio of approximately 21.8 percent on the subject property for which the maximum permitted lot coverage ratio is 20 percent, as

depicted on the plans presented or revised at the public hearing, the Zoning Board of Appeals hereby recommends DENIAL of the requested zoning variation from Section 10-4-8(E)(1) of the Glen Ellyn Zoning Code based upon the following findings of fact:

1. That the plight of the homeowner was not due to unique circumstances or a particular hardship; the entire village was suffering from Covid. Many families have a large number of children, and many families have immune-compromised children.
2. That this particular difficulty or hardship has been created by the persons presently having interest in the property, because the pavilion was already rejected and work on the pavilion was started right after they finished the final inspection. They never tried to get a variance; this is not the first this family was involved in a very similar situation in Glen Ellyn.

Seconded by Member Panther, the motion passed 6-1 by roll call vote as follows: Members Miller, Panther, Whalls and Crudele, and Chairperson Constantino voted, "Yes;" Member Covington abstained, and Member Jones voted, "No."

Chairpersons Report

Given the late hour, Chairperson Constantino thanked everyone for their time, effort and patience.

Staff Report

Planning Manager Purvis reported that Planner Fard is working on a presentation to deliver to the ZBA about handling construction-necessitated variations. Member Whalls asked how many times the Village Board has overturned the ZBA on construction necessitated variations, to which Ms. Purvis said the Board has approved every one. Mr. Whalls asked the status of updating building and zoning codes, including LCR and roof-height requirements, and asked about meeting with builders and architects. Ms. Purvis said Development Director Staci Springer is putting together a response to feedback about Building Division practices gleaned from a recent Building Board of Appeals (BBA)-hosted builders' forum. She related, too, that the building Codes update process is underway, but that nothing is currently being researched relative to LCR changes to the Zoning Code. Ms. Fard said it is probable that another construction-necessitated variation case will be on the March 8th ZBA agenda.

Trustee's Report

Trustee Liaison Anne Gould related that the Architectural Review/Appearance Commission is moving toward reconstitution, with seven members to be chosen to serve. Also, she reported that the Harding-Glen Townhome development was approved, and that the Village is moving forward with the hotel property, for which a charrette session is planned.

Ray Whalen declared Planning Department restructuring beneficial and said that Building Division staff additions have improved efficiency.

Adjournment

Chairperson Constantino adjourned the meeting at 10:39 p.m., following a unanimous roll call vote on a motion made by ZBA Member Covington, and seconded by ZBA Member Jones.

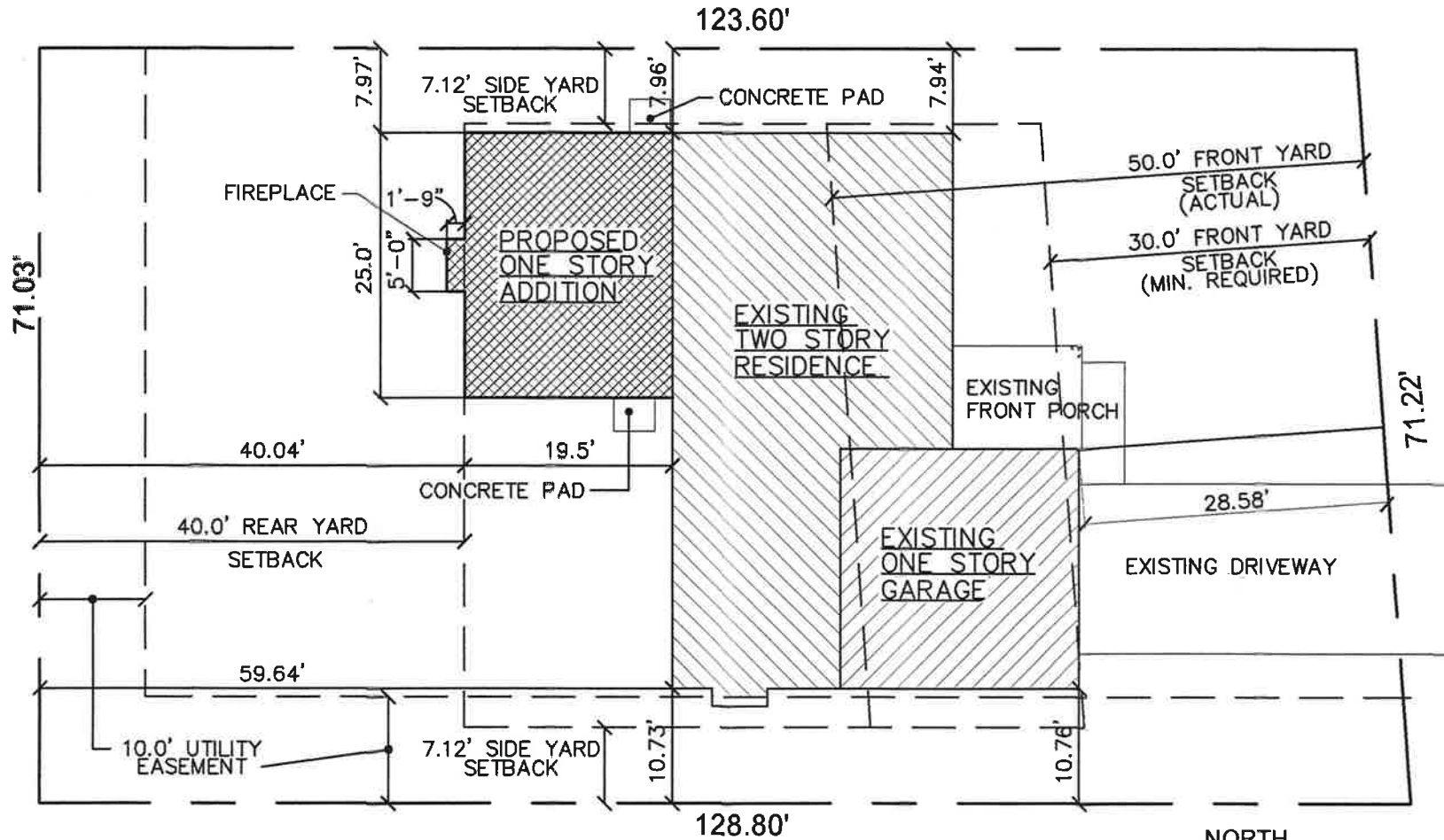
Respectfully submitted,

Barbara Dutton-Thomas
Recording Secretary

RECEIVED

NOV 30 2021

VILLAGE OF GLEN ELLYN



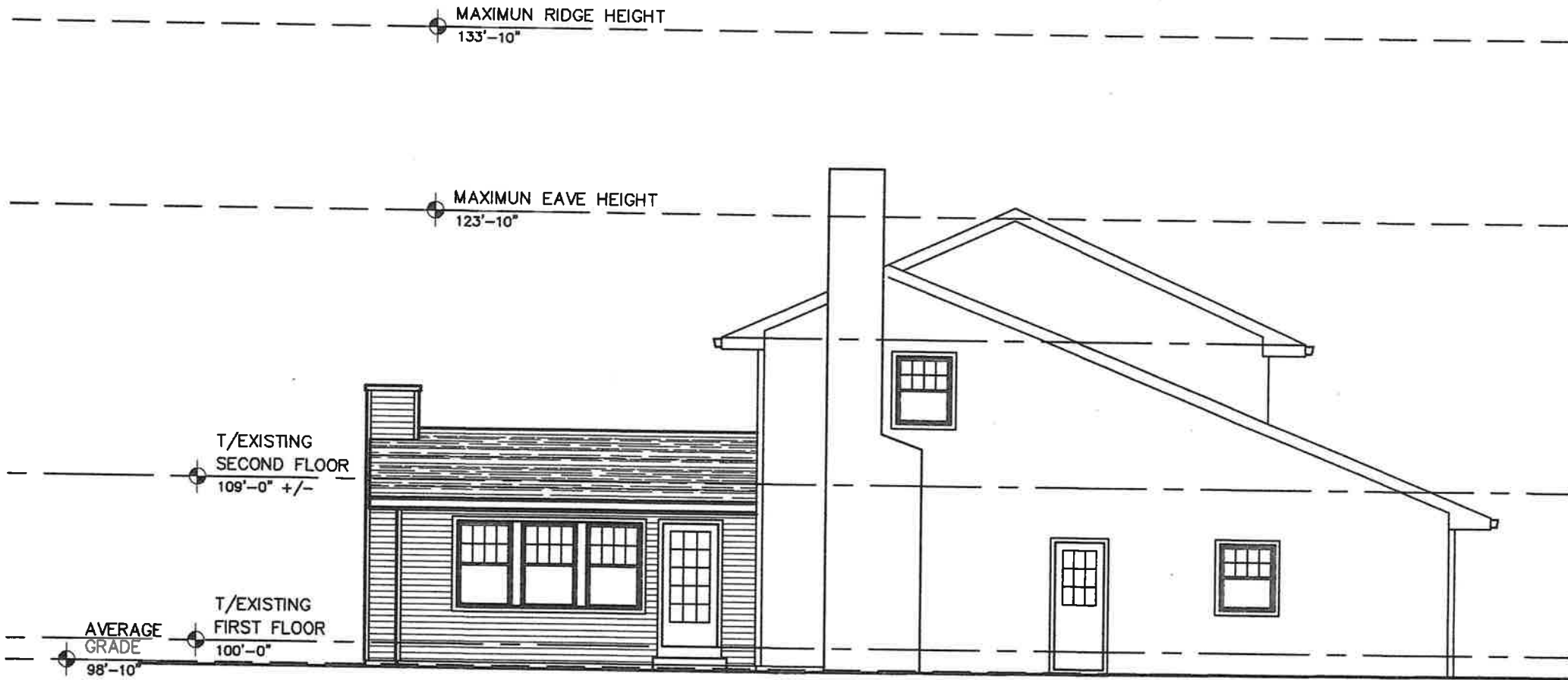
SITE PLAN

SCALE: 1/16" = 1'-0"

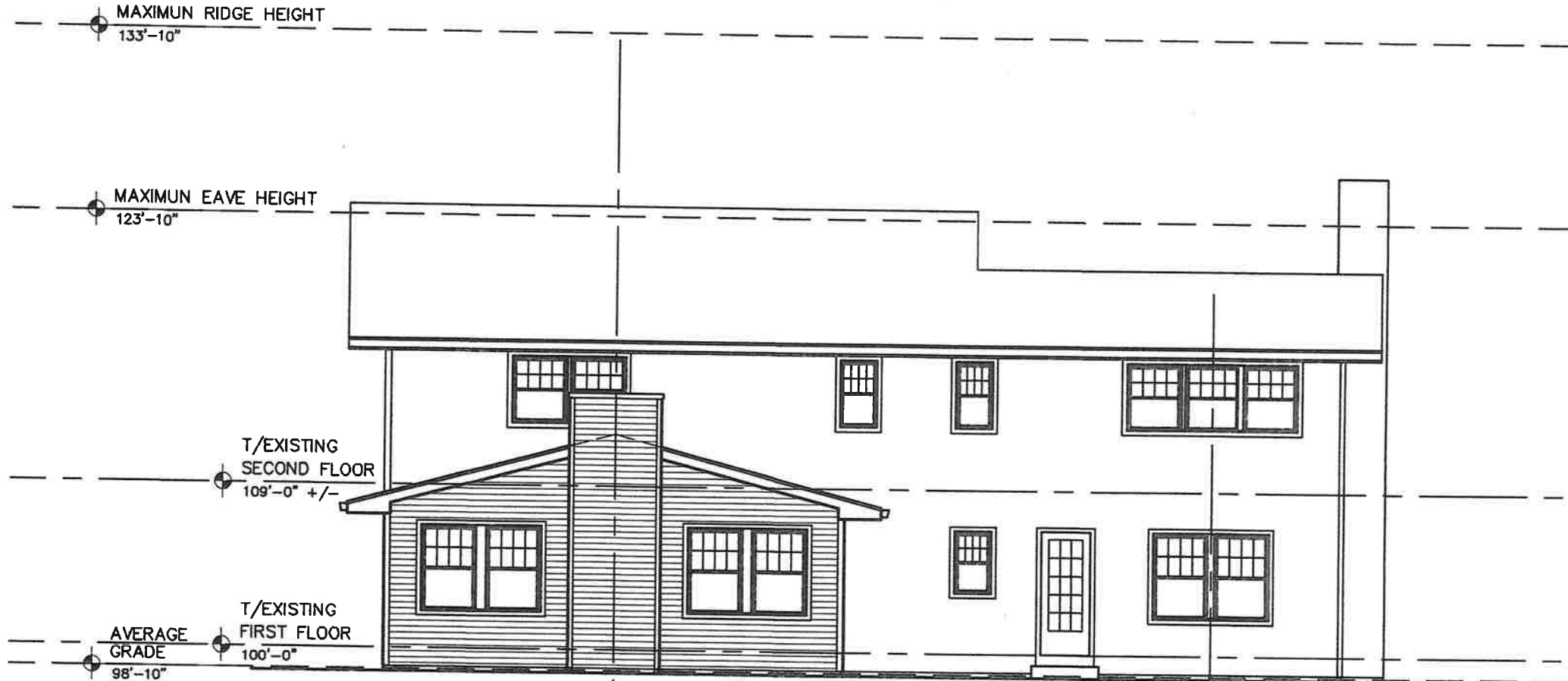
62 NORTH MAIN STREET

NORTH

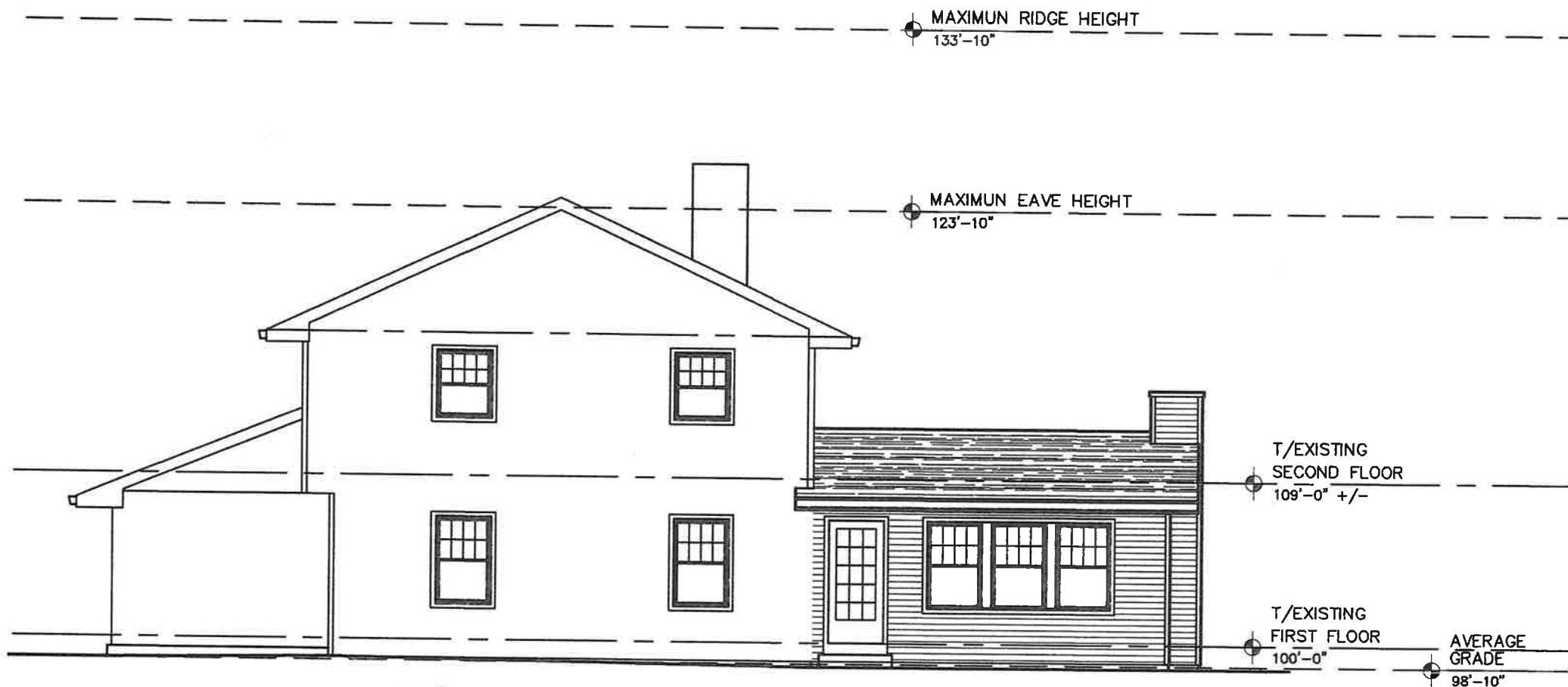




SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



WEST ELEVATION
SCALE: 1/4" = 1'-0"



NORTH ELEVATION
SCALE: 1/4" = 1'-0"



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

Meeting 2/28/2022 7:00 PM
Department: Public Works
Department Head: Dave Buckley
Category: Award
Prepared By: John Hubsy

AGENDA ITEM (ID
2022-1937)

DOC ID: 2022-1937

Motion to authorize the Village Manager to execute a contract for a Comprehensive Water and Sewer Rate Study to NewGen Strategies & Solutions of Annapolis, Maryland in the not-to-exceed amount of \$49,030 (Public Works Directory Buckley)

Statement of the Issue:

This memorandum serves to provide the recommendation for a Water and Sewer Comprehensive Rate Study contract to NewGen Strategies & Solutions of Annapolis, Maryland in the amount of \$49,030.00.

Analysis:

Staff has been planning on a rate study to examine the rates for water and sewer for a couple of years. Due to COVID and other projects taking precedence, this did not move past the planning stages until the middle of 2021. The water rate was last adjusted to \$9.93/thousand gallons on January 1, 2018 and the sanitary rate has remained at \$7.18/thousand gallons since January 1, 2017. There is a minimum monthly charge of 2,000 gallons of water, meaning if a customer uses less than the minimum, the charges are rounded up to and equal about \$20 per month. Sanitary charges are calculated strictly off of usage. Revenues are greatly influenced by overall water usage Village-wide and the general trend of water purchased by the Village has been declining. That trend is expected to continue or at least remain flat in future years.

Request for Qualifications and Proposals

The request for proposals was sent out on October 2, 2021 to six firms that were known to have the knowledge, skills and experience to perform the task. The procurement of these professional services follows Administrative Order No. 3 of the Village purchasing policy, meeting procurement requirements with section D. A question and answer session was held on November 17 with four firms attending. Four proposals with qualifications were received by the December 17 due date. The table below shows the summary of the four proposals:

Firm	Proposal Amount	Evaluation Score
NewGen Strategies & Solutions	\$49,030	91
Baxter & Woodman	\$50,000	85
Raftelis	\$49,450	80

Rempe-Sharpe &
Associates

\$48,864

73

A steering group of Public Works and Finance employees reviewed the proposals received. A brief meeting was held on January 26, 2022 with this group and there was unanimous agreement that the proposals submitted by NewGen and Baxter & Woodman provided the best understanding of the tasks outlined in the RFP&Q and the most complete set of deliverables. As part of the review process, the two proposals were evaluated using the criteria outlined in the RFP&Q and seen in the table below. The Raftelis and Rempe-Sharpe proposals were deemed to be not as thorough in scope and the project team not as experienced.

Criteria	Weight
Project Staffing	20
Project Experience	20
Proposed Services	25
Proposed Schedule	15
Compensation	10
Proposal Content	10
Total Maximum Points	100

NewGen and Baxter & Woodman were invited to follow up with a brief presentation and a discussion session to review the individual proposals on February 4, 2022. Staff for the Village that attended the follow-up meetings were: Finance Director Christina Coyle; Accounts Manager Cherly Backhaus; Public Works Director Dave Buckley; and Assistant Public Works Director John Hubsky.

Both firms provided nice presentations and were able to answer questions as posed by staff during the discussion portion. Afterwards, the group reviewed the two firms and there was unanimous agreement that NewGen was the stronger candidate. One of the biggest differences between the two is the model provided by NewGen, with the training for staff to make changes, so this will be a tool that can continue to be utilized after the study is completed. This provides a benefit, especially if there are changes to planned capital improvements, to examine the impact on both rates and reserves. With some of the recent changes in staffing in the Finance Department, having a company that will be the driving force for completing the work will be instrumental to providing good results. In 2019, the Village of Lombard hired NewGen for a similar rate study, providing a positive review of the company and for some of the same staff that will be working on Glen Ellyn's study. The firm has also worked with a number of other Illinois communities on similarly scoped projects in the recent past.

During the discussion portion, staff confirmed with NewGen the original timeline for the project. A preliminary report date is set for June 15, 2022 and a final report is due by July 1, 2022. There is flexibility by both parties with the dates, as the end objective for the Village would be the ability to make any changes to rates, if recommended by the study and approved by the Board, as part of the 2023 budget.

Budget Impact:

The water and sewer rate study was originally budgeted for in 2021, with a total of \$60,000 split between the two funds (50100/50200 - 521055 Professional Services). Due to timing, the dollars will

be applied to the 2022 budget.

Strategic Initiatives

This study would fulfill a number of priorities and initiatives of the Glen Ellyn 2020-22 Strategic Plan:

FINANCIAL STABILITY. b) Capital prioritization Setting water and sewer rates correctly will help ensure there is sufficient funding for the CIP, especially in regards to the current practice of the Village to fully fund these projects and not take on debt services to complete them.

INFRASTRUCTURE. b) 5 year CIP. Helps ensure sufficient funding for these projects, needed as issues like lead service line replacement, a need to increase annual water main replacement to ensure safe, consistent delivery of drinking water to the customers of the Village and to continue to address issues like inflow & infiltration into sanitary sewers.

e) Master utility plan. Helps guide needed improvements and on-going maintenance to maintain the Village's water and sewer systems.

f) Best practices review. The study will allow an examination of billing practices to make sure they are not only fair and equitable but help the Village be a good steward to the environment by protecting and preserving water resources.

Action Requested:

Based on the proposals received, staff recommends that the Village Board of Trustees make the following motion: Authorize the Village Manager to execute a contract with NewGen Strategies & Solutions of Annapolis, Maryland in the not-to-exceed amount of \$49,030 for a Comprehensive Water and Sewer Rate Study to be expensed to the Water & Sewer Fund (50100/50200 - 521055 Professional Services).

Attachments:

1. NewGen W&S Rate Study Proposal

COVER LETTER

December 15, 2021

Mr. John Hubsky
Assistant Public Works Director
Village of Glen Ellyn
30 South Lambert
Glen Ellyn, IL 60137

Subject: **Request for Qualifications and Proposals – Comprehensive Water & Sewer Rate Study**

Dear Mr. Hubsky:

The Village of Glen Ellyn's water and sewer utilities operate in a complex and ever-evolving landscape to provide public services that are affordable, reliable, and sustainable. At the same time, the pace of change in the utility market is accelerating, directly impacting your ability to provide quality service to your customers. Navigating the challenges of balancing long-term infrastructure investment, maintaining customer satisfaction, and the sheer amount of data available to drive decision making is overwhelming. How do you optimize data analysis to identify and inform the best strategic approach to deliver the right services, address stakeholder demands, and ensure public trust?

Understanding your community, your organization, and your data are the three essential elements to developing actionable strategies to sustain your future service. NewGen Strategies and Solutions, LLC (NewGen) believes that strategy dictates everything. Our approach incorporates your data, market, and community to provide an integrated view designed to allow you to make long-term decisions with confidence. Our personnel have extensive experience in all financial and management facets of municipal utilities. We leverage innovative modelling technology and market expertise to solve your most complicated issues. We design strategies to ensure they are responsive, transparent, and reliable while paving the way for successful buy-in across all your stakeholders.

We are pleased to submit to you our proposal to perform a Comprehensive Water & Sewer Rate Study. While the enclosure to this letter sets forth our project approach, experience, qualifications and schedule, there are a few key points we would like to stress:

- **Operational Insights** – NewGen makes data operational resulting in actionable decisions with defensible results. We harness existing and untapped data to optimize operations, develop demand management strategies, estimate the impacts of capital investments, and identify the rational nexus underlying rate structure decisions. NewGen has helped our clients recover costs, improve service delivery, and respond to changing market conditions.

- **Stakeholder Communication** – NewGen simplifies complex concepts by combining visual tools and our training expertise to ensure that clients gain a deep understanding of how the issues and underlying data drive our recommendations and scenarios. This directly impacts the evaluation of the scenarios we present, streamlines decision making, and successfully obtains buy-in from elected officials, advisory committees, regulatory bodies, utility senior management, and utility customers.
- **Expert Credentials** – NewGen professionals have served as expert witnesses in over 200 regulatory and civil proceedings and employs four Accredited Senior Appraisers (ASA) certified by the American Society of Appraisers, of which three (of the less than 20 nationwide) hold the public utilities designation. Every project at NewGen integrates nationally recognized experts and their insights into our models, which have been pressure tested through the regulatory and civil process. We guarantee the specific performance of the key personnel identified in this proposal.
- **Demonstrated Performance** – The issues being faced by the Village are like those being faced by NewGen's clients throughout the country and in the state of Illinois. NewGen's project team members have successfully completed similar projects to the Village's requested services for the Illinois clients in the graphic shown to the right.
- **Client Endorsements** – We understand the key issues and challenges facing the Village. We have included several references in our proposal and strongly encourage the Village to contact them to learn more about our firm and specific project team members.



This letter is signed by Eric Callocchia and Matthew Garrett. Mr. Callocchia is our proposed Project Manager and will serve as the Village's primary point of contract during the prosecution of this study. Mr. Garrett is the Managing Director of Water and Wastewater at NewGen and our proposed Project Officer for this effort. He is an owner of NewGen and authorized to bind the firm into contract.

Our proposal is a firm and irrevocable offer for a period of 90 days from the date of this letter. We look forward to working with you on this important and interesting study. Please contact me on my direct line at (443) 951 4207, or by e-mail ecallocchia@newgenstrategies.net if you would like to discuss our project team and approach.

Sincerely,

Eric Callocchia
Executive Consultant

Matthew B. Garrett
Managing Director, Water and Wastewater

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APPENDIX B: SAMPLE REPORT	



CONSULTANT EVALUATION FORM

FORM OF CONTRACT

☒	The Form of Contract, as presented in the RFQ&P is acceptable and no modifications will be necessary.
☐	The Form of Contract, as presented in the RFQ&P is generally acceptable, but minor revisions will be necessary. A list of all proposed revisions is attached.
☐	Major modifications must be made to the Form of Contract before a contract can be signed. A list of all proposed revisions is attached.

INSURANCE

NewGen maintains insurance that either meets or exceeds those required by the Village. A copy of our Certificate of Insurance is provided in the following page.

LITIGATION

NewGen has never had any lawsuits filed against the firm.

CONSULTANT EVALUATION FORM



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
08/20/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

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PRODUCER TriMountain Corporation 8301 East Prentice Avenue Suite 215 Greenwood Village CO 80111		CONTACT NAME: John Davidson PHONE (A/C No. Ext.): (720) 708-4155 FAX (A/C No.): (720) 708-4387 EMAIL ADDRESS: john@trimountaincorp.com	
INSURED NewGen Strategies & Solutions, LLC 225 Union Blvd, #305 Lakewood CO 80228		INSURER(S) AFFORDING COVERAGE INSURER A: ACE Property and Casualty Insurance Company NAIC # 20699 INSURER B: Chubb National Insurance Co. 10052 INSURER C: Philadelphia Indemnity Insurance Company 18058 INSURER D: INSURER E: INSURER F:	

COVERAGES		CERTIFICATE NUMBER: CL2182002681		REVISION NUMBER:		
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.						
INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PROJECT ☐ LOC OTHER:		D95588934	09/01/2021	09/01/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Employee Benefits \$ 1,000,000
A	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☒ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY		D95588934	09/01/2021	09/01/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$		D95588946	09/01/2021	09/01/2022	EACH OCCURRENCE \$ 3,000,000 AGGREGATE \$ 3,000,000 \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	71791021	09/01/2021	09/01/2022	☒ PER STATUTE ☐ OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000 Per Claim Limit \$3,000,000 Aggregate Limit \$3,000,000
C	Professional Liability (E&O)		PHSD1653690	09/01/2021	09/01/2022	
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required) NewGen Strategies & Solutions, LLC, its employees, and agents are added as additional insured on the general liability and auto policies.						

CERTIFICATE HOLDER NewGen Strategies and Solutions 225 Union Blvd, #305 Lakewood CO 80228	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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PROJECT PROPOSAL FORM

PROJECT STAFFING

NewGen evaluates the needs of each project and responds by assembling a project team of knowledgeable professionals who are uniquely qualified to provide the services needed. Our team includes a mixture of skills and experience, from our firm's Managing Director to the industry's best data analysts.

The following details municipal project experience of our proposed project team. We guarantee the performance of the individuals listed below. Resumes for all proposed staff are included in Appendix A.

NAME/REGISTRATION /TITLE	YEARS OF EXP./@ FIRM	MUNICIPAL PROJECT EXPERIENCE
Eric Callocchia / Executive Consultant	12 / 3	Served as Project Manager responsible for day-to-day interaction with the municipal and adherence to project schedule, analysis, and communication for the following: ■ Village of Addition, IL - Water, Sewer, and Stormwater Rate Study ■ City of Prospect Heights, IL - Sewer Rate Study ■ Village of Libertyville, IL - Water and Sewer Rate Study ■ Village of Lindenhurst, IL - Water and Sewer Rate Study ■ Village of Lombard, IL - Water and Sewer Rate Study ■ City of Naperville, IL - Water and Sewer Rate Study ■ Village of Orland Park, IL - Water, Sewer, and Stormwater Rate Study ■ Village of Fox Lake, IL - Northwest Regional Water Reclamation Facility Evaluation ■ Village of Westchester, IL - Water and Sewer Rate Study ■ City of Brea, CA - Utility Rate and Impact Fee Study ■ Coachella Valley Water District, CA - Cost of Service Study / Sanitation (Wastewater) Fund ■ City of Springfield, MO - Wastewater Cost of Service Study ■ City of Maryville, MO - Water and Sewer Cost of Service and Rate Study
Matthew Garrett / Managing Director	18 / 8	Project Manager or QA/QC and Advisor responsible for conducting financial, operational and strategic evaluations of many communities including the following: ■ Town of Northlake, TX - Cost of Service and Rate Design ■ City of Conroe, TX - Cost of Service and Rate Design

PROJECT PROPOSAL FORM

NAME/REGISTRATION /TITLE	YEARS OF EXP./@ FIRM	MUNICIPAL PROJECT EXPERIENCE
		- City of Georgetown, TX - Cost of Service and Rate Design - City of Mesquite, TX - Impact Fee Analysis - North Texas Municipal Water District, TX – Indirect Cost Allocation Model and Plans - City of San Antonio, TX – Stormwater Operational Review
Zak Wright, ASA / Senior Consultant	7 / 7	Served as Lead Analyst responsible for financial analysis and modelling for the following: - Village of Orland Park, IL - Water, Sewer, and Stormwater Rate Study - City of Brea, CA - Utility Rate and Impact Fee Study - Coachella Valley Water District, CA - Cost of Service Study / Sanitation (Wastewater) Fund - City of Bonham, TX - Water and Wastewater Rate Study
Tia Carnes	2 / 2	Served as Analyst responsible for data entry, analysis, and modelling for the following: - Village of Orland Park, IL - Water, Sewer, and Stormwater Rate Study - City of Springfield, MO - Wastewater Cost of Service Study - City of Maryville, MO - Water and Sewer Cost of Service and Rate Study - City of Brea, CA - Utility Rate and Impact Fee Study

PROJECT EXPERIENCE

NewGen has an established client base in Illinois and encourages the Village to contact any of the representative professional references listed below. These clients can speak to our ability to provide quality work similar to the services requested by the Village.

PROJECT / CLIENT

Water and Sewer Rate Study / Village of Lombard, IL

SCOPE OF WORK / (CONTRACTOR) / CLIENT POC

The Village of Lombard was incorporated in 1869 and is located 30 miles west of the City of Chicago. The Village covers approximately 10.5 square miles and includes just over 16,000 individual parcels, the majority of which are quarter or half acre lots containing single-family residential homes. The Village is managed under the Council-manager form of government. NewGen (then MFSG) was engaged by the Village of Lombard in 2016 to complete a water and sewer rate study. The Village is a wholesale water customer of the DuPage Water Commission.



The Village maintains its own sewer collection system, and wastewater treatment is provided by the Glenbard Wastewater Authority, where the Village shares treatment costs with the Village of Glen Ellyn.

The Village was reaching the end of a moratorium on increases to its capital rate (used strictly for capital financing) as well as a phased-in reduction to tax revenues slated to fund utility projects. NewGen was tasked with several assignments for the study, including:

- Development of a ten-year financial plan for the Village's water, sewer and stormwater systems
- Development of capital financing plans that did not include tax revenues but rather a fixed capital charge for all customers
- Evaluation of alternative rate structures for stormwater service, particularly the allocation of stormwater costs based on impervious area rather than water consumption / tax base
- Development of formal policies by the Village dealing with the establishment of an asset replacement reserve based on the original cost and depreciation of water, sewer, and stormwater assets

Throughout the course of the study, NewGen staff met not only with Village staff, but also with the Village's Public Works and Finance and Administration committees, comprised of Village citizens. NewGen developed public friendly presentations to summarize and explain the need for increased rates, particularly the need to increase the percentage of the Village's utility rate revenue that is generated by fixed fees rather than variable unit rates.

Jamie Cunningham | Assistant Director of Finance | 630.620.5910 |
cunninghamj@villageoflombard.org

Carl Goldsmith | Director of Public Works | 630.620.5740 |
goldsmithc@villageoflombard.org

PROJECT TEAM

Callocchia, Project Manager

FEE / YEAR

\$49,247 / 2020

PROJECT / CLIENT

Water and Sewer Rate Study / Village of Lindenhurst, IL

SCOPE OF WORK /
(CONTRACTOR) /
CLIENT POC

The Village of Lindenhurst provides water and sewer service to its 14,000 residents. In 2017, the Village transitioned from groundwater supply wells to a wholesale agreement with the Central Lake County Joint Action Water Agency (CLCJAWA). In order to connect to CLCJAWA, a consortium of new members consisting of the Villages of Lindenhurst and Lake Villa and unincorporated Lake County spread the \$46.0 million capital costs between a Special Service Area tax and connection fees charged by CLCJAWA. The major costs of this implementation begin in the Village's FY 2021.

The Village engaged members of NewGen, as MFSG, to develop a financial plan for its water and sewer systems in light of the major capital improvements implemented by the Village to connect to CLCJAWA. The rate model allowed for multiple financing scenarios to be evaluated by Village staff, with a focus on the long-term reserves of the Village's Utility fund. NewGen developed several rate alternatives that were presented to the Village Board, who ultimately decided to adopt rates based on the recommendations provided.

Clay Johnson | Village Administrator | 847.356.8252 | cjohnson@lindenhurstil.org
Callocchia, Project Manager; Modelling

PROJECT TEAM

FEE / YEAR

\$38,900 / 2018



PROJECT / CLIENT

Water and Sewer Rate Study / Village of Libertyville, IL

SCOPE OF WORK /
(CONTRACTOR) /
CLIENT POC

Libertyville, an affluent suburban community with an area of approximately nine square miles, is about seven miles inland from Lake Michigan on the Des Plaines River; the City of Chicago lies about thirty-five miles south of the Village. The Village's water system consists of about 127 miles of distribution system; potable water is purchased by Libertyville from the Central Lake

County Joint Action Water Agency (CLCJAWA). There are about 7,000 customer accounts in the Village's water system. Total water pumped in 2014 was about 908



PROJECT TEAM FEE / YEAR	million gallons; the average daily water use was about 2.5 million gallons (MGD). The sewer system consists of about 95 miles of sanitary sewer collection lines plus treatment facilities. There is about the same number of miles of storm sewers as sanitary sewers in the community. NewGen was engaged by the Village in 2015 to complete a water and sewer rate study. The Village was facing major capital improvement costs related to upgrading its sewer treatment facility. NewGen was tasked with determining the proper funding plan that would allow the Village to maintain the financial health of its utility fund. Assignments and tasks completed for this project included: ➤ Development of formal cost of service/rate models for the Village (both water and sewer) ➤ Development of alternative rate structures for both water and sewer service ➤ Development of formal policies by the Board dealing with the establishment of reserves and the target balances for such reserves The proposed alternative rate structure, which included 5% revenue increases for water and a 37% increase in sewer revenues was recommended for adoption by the Village Board. The Village Board unanimously approved the recommended rates and rate structure. In 2019, NewGen was again engaged by the Village to update the cost and revenue projections adopted as a part of the original study. NewGen completed its update in May 2019 and recommended no change in the projected water rate increases and a slight increase in the necessary sewer rate increases due to the increased cost of the Village's mandatory wastewater treatment plant upgrades. Nicholas Mostardo Finance Director 847.918.2102 nmostardo@libertyville.com Callocchia, Project Manager \$42,500 / 2015; \$23,000 / 2019
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PROJECT / CLIENT SCOPE OF WORK / (CONTRACTOR) / CLIENT POC	Stormwater, Water and Sewer Cost of Service & Rate Study / Village of Orland Park, IL The Village of Orland Park hired NewGen (then MFSG) to develop a cost of service and rate methodology for stormwater, water, and sewer funds. The Village is a wholesale water customer of the Village of Oak Park, so a key issue in the study was lost water and how to manage its impact. NewGen developed a comprehensive financial model to facilitate the cost-of-service analysis. The financial model included the operating and capital budgets for Village operations as well as necessary reserves. Key study issues included: ➤ Indirect Cost Allocation evaluation ➤ Water Main Replacement funding (\$2.0 million/yr.) ➤ Sanitary Sewer I/I reduction (\$0.5 million/yr.) ➤ Stormwater Flood Study Improvements (\$11.0 million over 10 years)
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PROJECT TEAM

FEE / YEAR

A key recommendation developed by NewGen (and adopted by the Village Board of Trustees) was the addition of a fourth tier to the Village's water rate structure. Before the study, the Village charged usage in three blocks – from 0 to 9 kgal, 10 to 18 kgal, and over 18 kgal. NewGen developed a more aggressive conservation focused rate structure with tiers from 0 to 7 kgal, 8 to 12 kgal, 13 to 22 kgal, and over 22 kgal. The four-tier rate structure remains in effect to today.

NewGen's financial model was also utilized to examine three methods of assessing the cost of providing stormwater to the Village residents. The methods considered for charging for stormwater included basing the fee on the following:

- Billed water usage (the current method),
- Impervious acreage per customers and
- Assessed property value, as an Ad Valorem tax.

After discussion with Village staff, the Village decided to continue to charge stormwater fees based on billed water usage. This option was selected primarily because impervious acreage data was not available at the time. The financial model developed during the study will allow the Village to move to a charge based on impervious acreage should the data required become available. NewGen recommended significant increases (100%) to the stormwater fee based on the actual cost of providing this service to Village residents. The recommendations presented by NewGen were adopted by the Village Board of Trustees.

NewGen was again hired by the Village in 2021 to complete another water, sewer, and stormwater study. The study is on pace to be complete in December 2021.

Kevin Wachtel | Finance Director | 708.403.6199 | kwachtel@orlandpark.org

Callocchia, Project Manager; Carnes, Consultant

\$46,130 / 2016; \$48,890 / 2021

PROJECT / CLIENT

SCOPE OF WORK /
(CONTRACTOR) /
CLIENT POC

Water, Sewer, and Stormwater Rate Study / Village of Addison, IL

The Village of Addison is in DuPage County, IL, about 20 miles from downtown Chicago. The Village provides water, wastewater, and stormwater service to its customers. The Village purchases water wholesale from the DuPage Water Commission (DWC) and maintains standby wells in the case of a supply emergency. The Village has over 120 miles of sanitary sewer of various sizes and 2,500 manholes structures. Between the Village's two wastewater treatment facilities over 2.0 billion gallons of municipal wastewater is treated annually under guideline levels set forth in the Village's Federal National Pollutant Discharge Elimination System (NPDES) Permit.

Within the Village boundaries there are 73 miles of storm sewer of various materials and sizes. The system also contains 1,400 manholes and over 2,200 inlets of various types. All



PROJECT TEAM

FEE / YEAR

storm conveyance systems discharge into an open waterway (Salt Creek, Westwood Creek, or DuPage River).

NewGen was engaged by the Village to conduct a comprehensive water, wastewater, and stormwater rate study. The Village's two utility funds (O&M and Debt Service) are supported by both user fees and transfers from the General Fund. NewGen's study focused on the increased capital needs of the Village's systems, as well as the following major considerations:

- Alternative user rate structures with a focus on increasing the percentage of revenue generated by fixed charges
- Reduction of the Water and Sewer Fund's dependence on General Fund transfers
- Alternative stormwater funding mechanisms, including fees based on impervious area
- Formal reserve and debt coverage policies and their impact on rates and fees

NewGen's study identified several key areas in which the Village could enhance the financial stability of the Water and Sewer Fund while mitigating large, one-time increases in customer bills. NewGen's financial plan for the Village included both revenue increases and rate structure changes that allowed the Village to fund over \$35 million in capital improvements between its three services.

NewGen's final report to the Village is attached to this proposal as Appendix B.

Roseanne M. Benson | Finance Director/Treasurer | 630.693.7561 |
rbenson@addison-il.org

Callocchia, Project Manager

\$46,130 / 2020

PROJECT / CLIENT

SCOPE OF WORK /
(CONTRACTOR) /
CLIENT POC

Water Rate Study / City of Galesburg, IL

The City of Galesburg is located on Interstate 74 in Northwest Illinois and is approximately 50 miles east of the Mississippi River. The City is a home rule municipality and has operated under the Council-Manager form of government since 1956. The City of Galesburg was chartered for the purpose of providing its residents with several municipal services, including the provision of clean water.



The City obtains its groundwater from an aquifer near Oquawka, Illinois, which is located along the Mississippi River. Utilizing a collector well and three gravel-pack wells, the water is pumped approximately 32 miles to Galesburg through 36 inch and 42-inch transmission lines. There are nine million gallons of storage capacity at the Galesburg Water Plant and two million gallons of overhead storage in three water towers throughout the City. The average daily water pumpage is approximately six million gallons with a peak demand of nine and a half million gallons. The water is pumped through a distribution system of approximately 210

PROJECT TEAM

FEE / YEAR

miles of water mains. The distribution system also consists of approximately 1,400 fire hydrants. The City serves approximately 12,800 water users with retail, wholesale, and fire protection service.

The City engaged NewGen Strategies and Solutions, LLC (NewGen) to complete a water rate study with the following general objectives:

- Develop a long-term financial plan that maintains the financial health of the City's Water Enterprise Fund while funding the appropriate level of capital investment in the water system.
- Update the rates and fees charged to the City's customers, including inside city, outside city, and wholesale rates customers based on defensible industry standards.
- Examine the agreements between the City and its wholesale customers and identify any opportunities to update the rate setting methodology or policies therein.
- Examine the policies regarding the charges to multi-unit customers (including mobile home parks), identify the impacts of modifying these policies, and recommend changes, if appropriate.
- Review the methodology of the administrative fee charged to the Galesburg Sanitary District and recommend any appropriate changes.

NewGen's study resulted in several recommendations, including alternative rate structures that addressed small user affordability by adjusting both fixed fees and usage allowances. NewGen's recommendations allowed the City to finance over \$20.0 million in capital projects over the ten-year planning period with modest (3.0%) annual increases in water rate revenue.

Wayne E. Carl, P.E. | Director of Public Works | 309.345.36241 |
wcarl@ci.galesburg.il.us

Callocchia, Project Manager

\$36,340 / 2021

PROJECT / CLIENT

SCOPE OF WORK /
(CONTRACTOR) /
CLIENT POC

Water and Sewer Rate Study / City of Park Ridge, IL

The City of Park Ridge is located approximately 15 miles northwest of Chicago in Cook County. Land use is predominantly residential, as well as a downtown business district and a large hospital campus. The City is fully developed and no major changes in future water usage are anticipated. The City purchases treated Lake Michigan water from the City of Chicago and distributes the water to its customers. The City's distribution system consists of approximately 138 miles of water main, 1,585 fire hydrants, 15.2 million gallons of storage capacity and over 12,600 water meters. All municipal wastewater and stormwater runoff are conveyed through a City-owned and maintained combined sewer system consisting of approximately 133 miles of sanitary and



PROJECT TEAM

FEE / YEAR

storm sewers. Sewage is discharged to the Metropolitan Water Reclamation District of Greater Chicago (MWRD) for treatment.

The City contracted with NewGen, then MFSG, to perform a water and sewer rate study, primarily to analyse the cost of the possible implementation of Advanced Metering Infrastructure (AMI) through the City. Another key focus was the passthrough cost of purchased water from the City of Chicago. NewGen's study developed:

1. A full cost of service model that projected costs under various AMI funding scenarios
2. An alternative rate structure focused on the collection of fixed fees vs. variable rate revenues
3. Recommendations for the City's fund balance given the increased level of capital investment planned by the city

NewGen's study provided the City with detailed information and allowed elected officials to make decisions with confidence. After NewGen's study, the City contracted with Water Resources, Inc., and its sister company Water Services Co., to install Neptune AMI water meters. These meters will continue to be mechanical; however, a digital radio receiver will automatically transmit meter readings to the City. The City is also providing customers with Water Smart - a free online service where customers can pay and view their bill, monitor water use, and set up leak alerts. If a home has a smart water meter, Water Smart will display hourly/daily consumption.

Andrea Lamberg, CPA | Finance Director | 847.318.5214 | ahatcher@parkridge.us
Callochia, Project Manager

\$36,800 / 2016

PROJECT EXPERIENCE

More than 90% of NewGen's work is in the municipal utility market; we have worked for hundreds of public agencies, from Alaska to the Florida Keys, from Maine to southern California. With a professional staff of more than fifty in twelve offices across the country, we have worked for clients in more than thirty states. Appearing in the Past Performance section of this document are brief summaries of some of our relevant client work and references who can be contacted to confirm the value, timeliness, and quality of our work.

Exhibit 1. Sample of Recent Rate Study Experience

LAST STUDY	CLIENT	STATE	WATER	SEWER
Ongoing	Anne Arundel County	MD	✓	✓
	Brea, City of	CA	✓	✓
	Bristol County Water Authority	RI	✓	
	Camden, City of	NJ	✓	✓
	Clermont County	OH	✓	✓
	Orland Park, Village of	IL	✓	✓
	Coachella Valley Water District	CA		✓
	Bloomington-Normal Water Reclamation District	IL		✓
	Fredericksburg, City of	VA	✓	✓
	Geneva, City of	IL		✓
	Hampton, City of	VA		✓
	Perrysburg, City of	OH	✓	✓
	Plainview Water District	NY	✓	
	Maryville, City of	MO	✓	✓
	San Diego County Water Authority	CA	✓	
	Watertown, Town of	CT	✓	✓
	Westlake, Town of	TX	✓	✓
2020	Addison, Village of	IL	✓	✓
	Albertson Water District	NY	✓	
	Dover, City of	DE	✓	✓
	Dublin, City of	OH	✓	✓
	East Brunswick, Township of	NJ	✓	
	Elkton, Town of	MD	✓	✓
	Falls Church, City of	VA	✓	
	Fairfax County	VA		✓
	Geneva, City of	IL	✓	✓

PROJECT PROPOSAL FORM

LAST STUDY	CLIENT	STATE	WATER	SEWER
2019	Herndon, Town of	VA	✓	✓
	Hicksville Water District	NY	✓	
	Libertyville, Village of	IL	✓	✓
	Portsmouth, City of	VA	✓	✓
	Port Washington Water District	NY	✓	
	Rivanna Water and Sewer Authority	VA	✓	✓
	Springfield, City of	MO	✓	✓
	Wallingford, Town of	CT		✓
	Wise County	VA	✓	✓
	Barnstable, Town of	MA	✓	✓
	Canton, City of	OH	✓	✓
	Cumberland, City of	MD	✓	✓
	Fairfield, Town of	CT		✓
	Frederick, City of	MD	✓	✓
	Great Neck North, Water Authority of	NY	✓	
2018	Jericho Water District	NY	✓	
	North Kingstown, Town of	RI	✓	
	Tallmadge, City of	OH	✓	✓
	Albemarle County Service Authority	VA	✓	✓
	Charlottesville, City of	VA	✓	✓
	Fishers Island Utility Company	NY	✓	
	Franklin, City of	VA	✓	✓
	Frederick County	MD	✓	✓
	Hagerstown, City of	MD	✓	✓
	Lindenhurst, Village of	IL	✓	✓
	Lovettsville, Town of	VA	✓	✓
	Milpitas, City of	CA		✓
	Southampton County	VA	✓	✓
	Vienna, Town of	VA	✓	✓
	Washington Suburban Sanitary Commission	MD	✓	✓
2017	Westminster, City of	MD	✓	✓
	Colonial Beach, Town of	VA	✓	✓

LAST STUDY	CLIENT	STATE	WATER	SEWER
	Fox Lake, Village of	IL		✓
	Lombard, Village of	IL	✓	✓
	Naperville, City of	IL	✓	✓
	Orland Park, Village of	IL	✓	✓
	Park Ridge, City of	IL	✓	✓
	Pennsylvania American Water	PA		✓
	Prospect Heights, City of	IL		✓
	Somerset County Sanitary District	MD		✓
	Stratford, Town of	CT		✓
	Tivoli, Village of	NY	✓	✓
2016	Annapolis, City of	MD	✓	✓

PROPOSED SERVICES

TECHNICAL APPROACH

NewGen brings to this project an experienced team with combined professional experience of almost 100 years.

NewGen's focus is providing cost of service and management advice to utilities of all kinds – water, sewer, stormwater, solid waste, natural gas, and electricity. Our value is improving the use of each of our client's data to develop intentional and strategic plans to ensure operational and financial sustainability of their utilities. This section of our proposal describes the general issues facing the water and sewer industry today, our understanding of the Village's needs, and our approach to providing the Village with the required services.

INDUSTRY WIDE CHALLENGES

According to AWWA's 2021 State of the Water Industry Report, the five most important issues facing the industry are currently:

- Renewal and replacement of aging water and wastewater infrastructure
- Financing for capital improvements
- Long-term water supply availability
- Emergency preparedness
- Public understanding of the value of water and wastewater systems and services

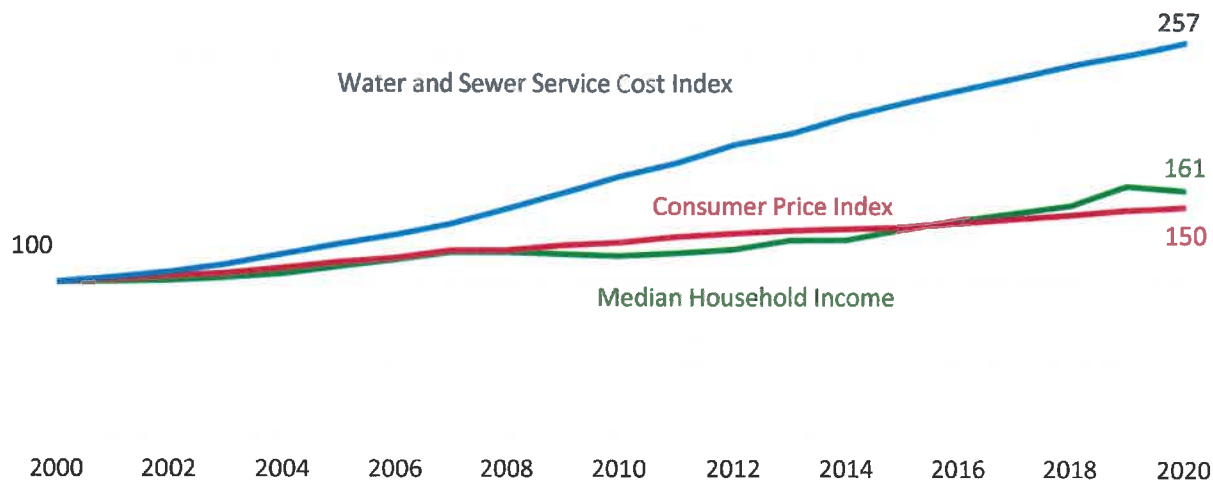
Like all water and sewer system owners across the country, the Village of Glen Ellyn is affected by several, if not all, of these inter-related issues. Utility



infrastructure installed decades ago continues to age. Energy and chemical prices continue to increase, and compliance with tighter federal (CWA, SDWA) and state (IEPA) regulations continues to require more costly and complex supply, treatment, and distribution solutions.

Finding ways to pay for deferred maintenance required to comply with increasing regulations is impacting the bottom line of utilities and the affordability of bills for customers. The following chart shows the country-wide inflation adjusted increases in three indices tracked by the Bureau of Labor and Statistics: Median Household Income, the Consumer Price Index, and the Water and Sewer Service Cost Index:

Exhibit 2. Historic Cost Index Increases – 2000 through 2020



Index: 2000 = 100; Bureau of Labor Statistics (BLS), Bureau of the Census

Combined with the cost increases shown above, many utilities have experienced a loss of revenue due to declining water usage per capita. Reasons for consumption declines include stricter conservation policies, energy efficient appliances, and smaller household sizes.

Even after considering the above stated impacts, municipal water service is still a relative bargain compared with alternatives such as bottled water. There will always be, however, customers for which the affordability of these services will be burdensome. Public education is key to having the public understand what costs are required in delivering water and treating wastewater and why these costs are incurred.

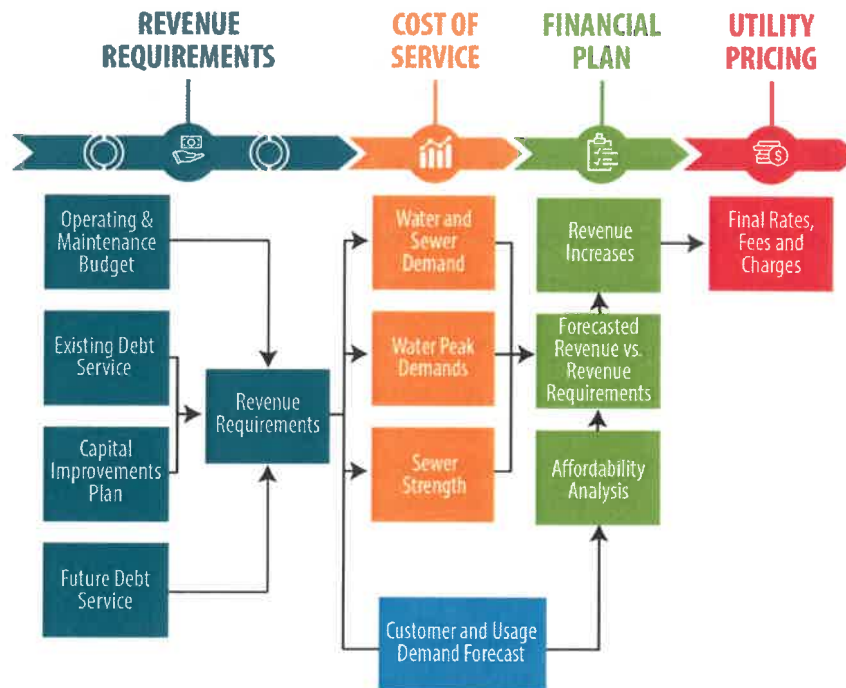
PROJECT APPROACH

When undertaking a cost of service or rate study for a municipal utility, it is important that participants in the study have a shared vision of the objectives and characteristics that must be reflected in the study. Our approach to reviewing and evaluating municipal utility rates is governed by the view that the ideal rate structure must satisfy seven criteria: equity, efficiency, revenue adequacy, affordability, sustainability, administrative simplicity, and legal and regulatory compliance:

1. **Equity** requires that rates and charges result in no undue discrimination among customers or customer classes. Although equity is normally related to the cost of service, it should be realized that customer acceptance will center on preconceived notions of equity and fairness.

2. *Efficiency* refers to the ability of the rate schedule to encourage wise use of the resources devoted to the services that the utility provides. In some areas, this means the adoption of "conservation" rates. Whether or not this proves appropriate, efficiency considerations require that:
 - Rates should reflect the cost of providing service
 - Rates should be similar for customers or customer classes served under similar conditions
 - Customers who place more demands (both capacity and usage) on the system should pay appropriately for their level of service
3. *Revenue Adequacy* is the most fundamental of all considerations, as it recognizes that rates are cost driven. It is necessary that the rates produce revenues sufficient to operate the system and that those rates produce sufficient revenues if there are changes in demand for service.
4. *Affordability* means that the recommended rates must result in bills that are realistically within the ability of customers to pay – not based on some arbitrary measure, but relative to other customer expenses.
5. *Sustainability* means that the objective of the rate methodology is to keep rates low over time, not to merely keep them low for the short-term by omitting or deferring needed expenses such as maintenance and funding of necessary cash reserves.
6. *Administrative Simplicity* recognizes that customers and Village staff should be able to understand the rate schedules. Customers should be able to make rational decisions regarding their purchase of water and sewer service and what it will cost.
7. *Legal and Regulatory Compliance* is a prime consideration because rate structures must incorporate applicable local, state, and federal statutes.

The application of the criteria should recognize that a rate schedule is a form of public policy statement, setting forth those values that the utility considers important. Rate structures must be tailored to community perceptions, realities, and values. While each utility's budgeting, financial reporting and flow of funds is unique, a generalized schematic illustrating our approach to a cost of service / rate study is shown in the graphic below.



Rate structures must be tailored to community perceptions, realities, and values if the project is to proceed smoothly and timely. Our standard approach to completing a cost of service/rate/fee study is predicated on a four-step process using industry standard methodology that is explicit and replicable including:

- **Revenue Requirements** - Develop and document the full cost of providing each separate service including those costs that may not be explicitly identified in the utility's budget such as the need for repair and replacement (deferred maintenance).
- **Cost of Service** - Allocate revenue requirements to customer classes or types of customers and functions based on the cost of providing service.
- **Financial Plan** - Develop a financial plan to fund system revenue requirements considering customer and usage demand forecasts.
- **Utility Pricing** - Review and evaluate rate/fee designs based on revenue needs and policy goals related to rate design (e.g., encouragement of consumption or conservation, support for economic development, affordability, etc.).

We have adapted this general study process into a work plan of specific tasks that align with the Village's desired outcomes stated in its RFQ&P.

PROPOSED WORKPLAN

The Village lays out clear objectives for the study in its RFQ&P. For the Village's convenience, the following table provides a cross reference between the study objectives listed in the Village's RFQ&P and NewGen's proposed workplan:

DESCRIPTION	NEWGEN TASK #
Evaluate the existing water and sewer rate structures for conformance with existing statutory regulations and make recommendations for any changes that are necessary to achieve compliance.	2.3
To review Ten-Year Capital Improvement Plan and recommend financing strategies.	2.1
To review funding strategies for projects such as meter replacement and meter reading technology upgrades, detention pond improvements, water tank maintenance/painting, lift station replacement, water main replacements, ground reservoir maintenance/replacement, etc.	2.1
To compare and recommend alternate rate structures that will distribute costs equitably and appropriately allocate fixed and variable costs, using AWWA recognized methods.	3
To evaluate existing fees such as connection fees, water meter replacement fees, turn on/off fees, hydrant meter water usage and rental fees, etc. and possible new fees such as public/private fire protection and stormwater fees.	2.2

TASK 1 - VILLAGE COODINATION MEETINGS

Immediately upon receipt of notice to proceed, NewGen will submit to the Village a detailed Request for Information (RFI), identifying the data that is needed to perform the scope of work. As the Village furnishes this data, it will be uploaded into a shared data folder using Microsoft SharePoint® to enable access by project personnel and others authorized by the Village. This will ensure that all interested parties have access to all data and that all have the most current data available.



NewGen's rate study Request for Information includes over 30 items, including budgets, financial statements, reserve policies, debt amortization schedules, system asset and operational data, customer account and billing system information. NewGen's approach links real-world data to the key study issues to empower the Village's decision making.

A project kickoff meeting will be held to which all key Project Team and Village personnel will be invited to attend. The purpose of this meeting is to review, update, and validate the proposed work plan, introduce key personnel to one another, identify any roadblocks to timely completion, agree to key dates, provide Village personnel with contact information for consultant personnel, and establish the formal and informal reporting relationships that are necessary for a smooth project. As part of the kickoff meeting, we will discuss the financial and rate policies currently in place as they will serve as key guideposts for our study.

NewGen will meet on a semi-monthly basis with Village staff to discuss the study's data, methods, and interim results

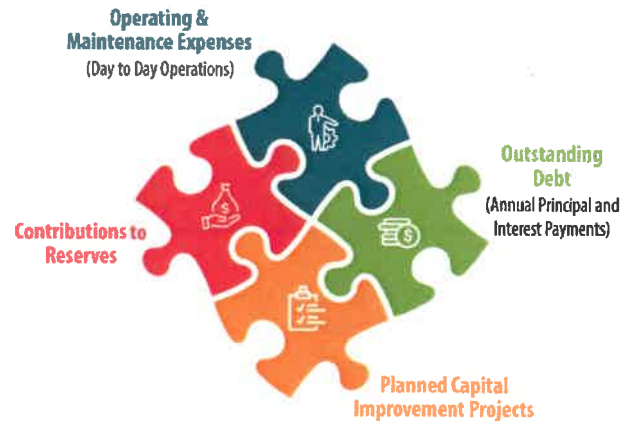
NewGen's cost estimate included in this proposal assumes that all status update meetings with Village will be held virtually. If the Village desires that all or part of the status update meetings be held in person, NewGen will develop a per-meeting cost for each in person meeting including personnel time and out-of-pocket expenses.

Task 1 Deliverables

- Request for Information (RFI)
- Kickoff meeting materials
- Creation of a shared project database
- Weekly project status meetings with Village staff

TASK 2 – ANALYSIS OF OPERATING AND MAINTENANCE (O&M) AND CAPITAL EXPENDITURES

One of the primary tasks for the study is the identification of the full cost of providing water and sewer service to the Village's customers. Our approach includes a detailed review of each of the costs incurred by the Village to ensure a true cost of service is developed. The cost analysis can be broken down into four main categories of costs: operating and maintenance costs, capital improvements, existing debt service and any contributions to reserves. The following section of our proposal describes our approach to reviewing and identifying each of these costs. The total amount of cash required on an annual basis for all purposes and from all sources constitutes the revenue requirement.



The result of this task will be a comprehensive 10-year forecast of the water and sewer system's revenue requirements.

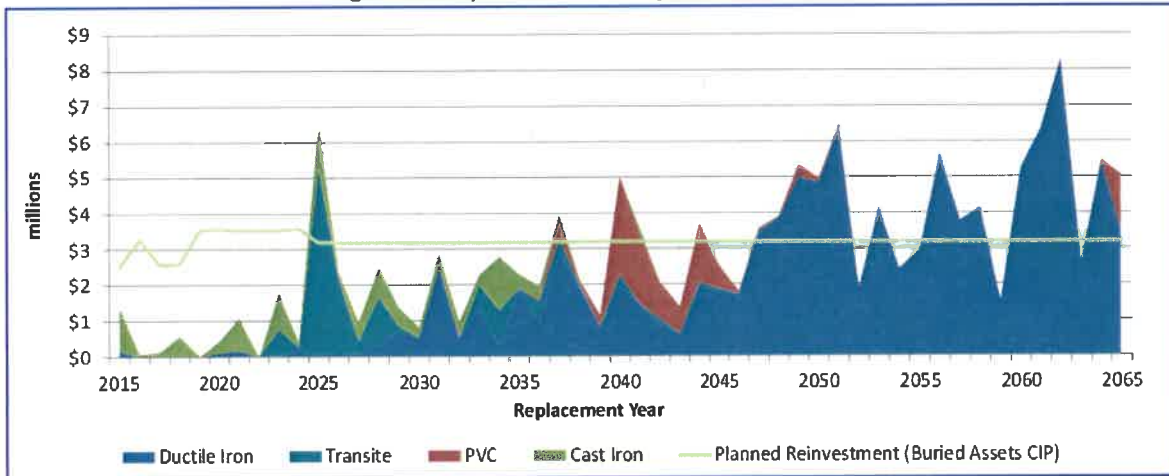
TASK 2.1 – DEVELOP REVENUE REQUIREMENTS**REVIEW O&M COSTS**

Using the Village's most recently adopted operating budget as a starting point, we will review the adequacy of budgeted operating and maintenance costs. O&M expenses will be forecast based on estimated annual inflation rates at the budgetary account line-item level. The forecast of operating expenditures will be based on:

- Review of historical operating expenditure increases by individual budget account line item,
- Any additional information that would increase the accuracy of the estimates (i.e., staffing increases/decreases, new facilities coming on-line, old facilities being retired, etc.),
- Identifying and assessing the impact of the current capital improvement program on operating expenditures.

REVIEW CAPITAL IMPROVEMENTS PLANS

NewGen will review the Village's most recently adopted capital improvement plan (CIP) for the water and sewer systems to ensure that they are appropriate and complete. This will be accompanied by an analysis of the age, useful life and replacement cost associated with the Village's water and sewer infrastructure to identify if the planned investments result in realistic replacement schedules. A sample output of a buried asset analysis is shown below as Exhibit 3.

Exhibit 3. Age and Replacement Analysis – Buried Infrastructure

The analysis above shows whether planned investment (green line) is sufficient to fund asset replacement based on asset depreciation by type (colored areas). Although there are peaks and valleys in the asset depreciation schedules, on average, the green line should be above the colored area. This results in asset re-investment that is keeping pace with asset depreciation.

EVALUATE POTENTIAL FINANCING SOURCES

The types and levels of various funding sources to pay for the capital and operating costs of the systems will be examined, and the impacts of various approaches will be quantified. While it is presumed that all operating and maintenance costs will be funded via user rates, there are various approaches to funding capital expenses. They can be paid from operating revenues ("PAYGO" funding, the most conservative financial approach), from grants or developer contributions, from long-term debt (e.g., bonds, IEPA loans, etc.). Typically, a utility might use a mix of these financing sources. Based on Village policy and our industry expertise, we will recommend an approach to funding each major capital project or project category within the Village's multi-year capital plan.

ANALYZE CURRENT AND PROJECTED DEBT SERVICE

The annual principal and interest payments for existing debt service related to the utility systems will be included in the revenue requirement projections. NewGen will identify projects or categories of projects contained in the CIP which are anticipated to be debt-funded, and NewGen will develop projections of debt service. They type of debt (general obligation bonds, revenue bonds, IEPA loans, , etc.) will be determined for each new debt issue, as well as assumptions on loan term and interest rate..

DEVELOP REVENUE REQUIREMENTS

The sum of the O&M costs, annualized capital costs (debt service plus cash purchases of capital assets) and any contributions to reserves constitutes the revenue requirement – the amount of money that must be raised from all revenue sources over a given year. The forecasted revenue requirements for each system will determine the necessary revenue adjustments recommended as a result of the study.

Task 2.1 Deliverables

- Ten-year projection of water and sewer system Revenue Requirements including O&M, debt service, capital outlay, and reserve contributions

TASK 2.2 - DEMAND FORECAST

Task 2.2 is especially critical in this study due to the nationwide trend of declining water usage and the fact that the Village's current rate structure is comprised purely charges based on water demand. A key step in the rate study is to gain an understanding of the make-up of the customers serviced by the systems and how and when they use water (and therefore sewer) service. This analysis is necessary for determining appropriate cost allocations, for developing demand projections, and to evaluating the appropriateness of the current rate structure. To facilitate this review, NewGen will request several years of detailed consumption at the customer account level.

The study's demand forecast will be based on historical usage patterns, any comprehensive or master plans available, and discussions with the Village as to projected water demand. The projections will be developed for a ten-year period. One of the key variables that must be developed is the rate of change in the customer base of the utility, including the numbers and types of new customers to be added year-by-year as well as increases (or decreases) in water usage over time on a per capita basis.

Recent national trends indicate an average decrease in per capita consumption of about 1% per year; in some places recurring decreases of 1% - 2% per capita per year have been documented. As a result, it may not be accurate to assume a consistent growth in the number of customers and usage. To develop an accurate demand forecast the usage trends on a per account basis must be examined. The demand forecast will include adjustments in customer usage due to price elasticity (the impact of raising rates on customer usage).

Task 2.2 Deliverable

- Ten-year projection of water and sewer customer accounts and demand

TASK 2.3 - REVENUE ADEQUACY AND FINANCIAL PLAN

NewGen will compare the sum of the annual water and sewer revenue requirements developed in Task 2.1 and the revenue generated under existing water and sewer rates and projected demand developed in Task 2.2 to evaluate the sufficiency of the Village's current rates. NewGen will project each system's cash flow for a ten-year planning period.

EVALUATE THE ADEQUACY OF RESERVES

The wise use and management of financial reserves provides many advantages to a utility: rate stabilization and "smooth" rate increases, as well as enhanced credit ratings and resulting interest savings. We will review the adequacy of the Village's current reserves and reserve policies when compared to industry guidelines and our industry experience.

DEVELOP FINANCIAL PLAN AND KEY PERFORMANCE INDICATORS

NewGen will calculate benchmark Key Performance Indicators (KPIs) to which each utility's financial health can be measured. These may include calculations of days of O&M cash on hand, debt coverage ratios, or other benchmarks deemed important to the Village. Meeting these KPIs will define the projected revenue and cash flow needs of the Village's Water and Sewer Fund. That is, in any case in which projected revenues will fail to maintain a Village reserve or debt coverage policy, NewGen will calculate the increase in revenues necessary to pass all policy tests.

Task 2.3 Deliverables

- Ten-year projection of water and sewer utility system cash flows
- Financial plan and specific revenue increases (if necessary) to support the projected revenue requirement
- Key financial performance indicators, such as Debt Service Coverage and Operating Ratios
- Recommendations regarding fund balance or debt service coverage ratios to ensure the financial health of the Village's Water and Sewer Fund.

TASK 3 – RATE REVIEW AND RATE ALTERNATIVES

In addition to projecting sufficient rates given the Village's current rate structure in Task 2, NewGen will develop for the Village two alternative water and sewer rate structures, at least one of which includes a fixed fee for both utilities that distributes costs equitably and appropriately among system customers.

It must be kept in mind that the issue of rate design is a "zero-sum" game; that is, the amount of money to be raised from rates is the same, regardless of the rate design. There are many rate designs that comply with industry practice and will withstand legal challenge. The policy determinations and preferences of the Village are important factors in determining the preferred water and sewer rate design. NewGen will use AWWA recognized methods to assist Village staff in the decision-making process related to alternative water and sewer rate structures.

FIXED VS. VARIABLE COST ALLOCATION AND FEE DEVELOPMENT

Any alternative rate design developed by NewGen will include a fixed fee for both the water and sewer utilities.

NewGen understands that a key issue for the Village is the fact that revenues are currently 100% based on water demand. NewGen will develop an equitable fixed water and sewer fee for the Village during the study to supplement variable demand-based revenue.

While it may be unrealistic to generate an identical proportion of fixed and variable costs in the revenue structure of the Village, NewGen will balance the financial impact on low-usage customers, the Village's need for stable revenue, and the need for increased revenue when calculating fixed fees for the two utilities.

MISCELLANEOUS FEE EVALUATION

NewGen will evaluate each of the miscellaneous fees charged to the Village's water and sewer customers such as connection fees, water meter replacement fees, turn on/off fees, hydrant meter water usage and rental fees to ensure that the basis for each fee is appropriate and up to date. In the event NewGen identifies an opportunity to modify any of the Village's miscellaneous water fees, the adjustment justification will be explained.

FIRE PROTECTION FEE CALCULATION

NewGen will calculate public and private fire protection fees using the industry standard approach detailed in the American Water Works Association (AWWA) *Manual M1 – Principles of Water Rates, Fees and Charges (M1)*. Chapter IV.8 of M1 is titled Rates for Fire Protection Service. The methodology utilizes the Maine Curve, developed for the Maine Public Utilities Commission, which considers the number of customers, population density and size of the service area in determining the percentage of revenue requirements allocable to fire protection.

To determine the proper dollar amount to allocate to private fire protection customers, it is necessary to determine the total fire protection costs of the utility system using system pumping data in gallons per minute (gpm). These costs are then allocated to public and private fire protection costs based on the customer base of each class of service. Then, rates can be developed to fully collect the costs of providing both public and private fire protection. The data points needed to determine the total cost of providing fire protection are:

- Total System Fire Protection Meter Equivalents (based on AWWA Flow Factors)
- Average System Water Pumped (in gpm)
- Peak System Water Pumped (in gpm)
- Population Served (in thousands)

The above data points allow for the calculation of the Required Fire Flow (RFF) of the system based on the fire flow requirement formula determined by the National Board of Fire Underwriters (NBFU), now known as Insurance Services Office (ISO):

$$1,020\sqrt{P}(1 - .01\sqrt{P})$$

Where P is the population served by the utility in thousands. This value is then compared the system's peak hourly flow based on actual pumping data. This ratio is plotted on an industry standard curve (i.e., The Maine Curve), with the result being a cost allocation between public and private fire protection services, which can then be distributed to the appropriate rates based on the number of public fire hydrants, the number and size of private fire lines, or another relevant allocation requested by the Village.

ADVERSE IMPACTS TO CUSTOMER GROUPS

Any rate structure change will have disproportionate impacts on certain customer groups. For example, increasing the proportion of revenue raised from fixed charges disproportionately impacts small users, as a higher proportion of their bill is due to the fixed fee. These impacts will be noted and explained for each rate structure and for various household demographics such as senior citizens, average family, large family, high water users. Implementation strategies will be developed to mitigate or phase in each impact.

The following tables were developed by NewGen to communicate the impact on a potential rate alternative that added a fixed Capital Fee on the customers of the Village of Lombard's water and sewer system, doubling the amount of revenue generated from fixed fees.

Exhibit 4. Summary of Customer Impacts Due to Rate Structure Alternative – Village of Lombard, IL

Village of Lombard - Water and Sewer Rate Structure Design Discussion
April 22, 2019

All Customers		Monthly Rates		Current FY 2019	FY 2020	% Change	FY 2021	% Change	FY 2022	% Change	FY 2023	% Change	FY 2024	% Change
Actual FY 2018 Bill Distribution		Capital Fixed Fee per Bill		N/A	\$5.00	N/A	\$5.25	5.0%	\$5.50	4.8%	\$5.75	4.5%	\$6.00	4.3%
		Service Charge per Bill		\$5.05	\$5.05	0.0%	\$5.05	0.0%	\$5.05	0.0%	\$5.05	0.0%	\$5.05	0.0%
FOR DISCUSSION ONLY		Water O&M Rate per 1,000 Gal		\$7.84	\$7.99	1.9%	\$8.14	1.9%	\$8.29	1.8%	\$8.44	1.8%	\$8.59	1.8%
Scenario 2:		Sewer O&M Rate per 1,000 Gal		\$5.86	\$6.01	2.6%	\$6.16	2.5%	\$6.31	2.4%	\$6.46	2.4%	\$6.61	2.3%
Fixed Capital Fee, Updated rates to fund		Capital Rate per 1,000 Gal.		\$1.20	\$1.30	8.3%	\$1.40	7.7%	\$1.50	7.1%	\$1.60	6.7%	\$1.70	6.3%
O&M, Debt Service, Capital and Reserves		% of Revenues Fixed		4%	8%		8%		8%		8%		8%	
		% of Revenues Variable		96%	92%		92%		92%		92%		92%	

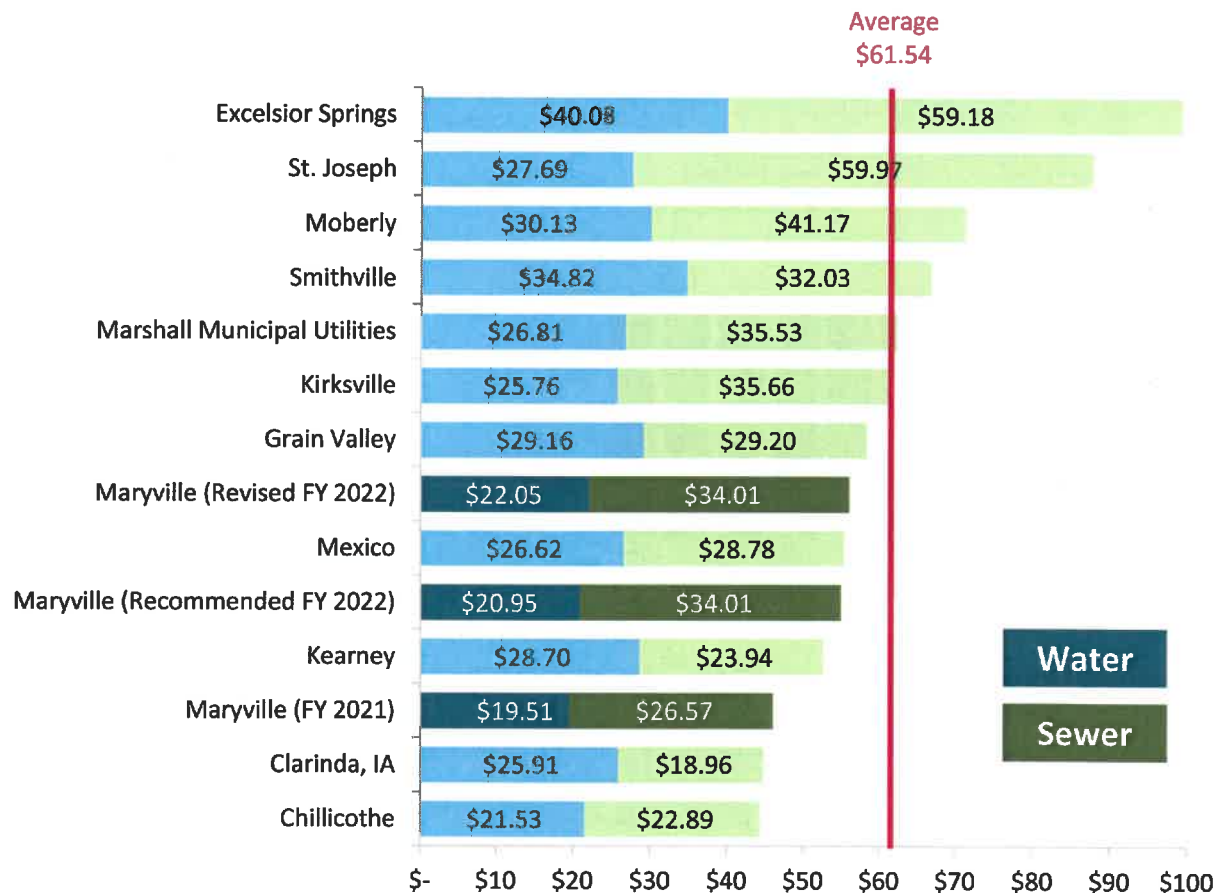
Monthly Usage (1,000 Gal.)	Residential		Commercial		FY 2019	FY 2020	\$ Change	FY 2021	\$ Change	FY 2022	\$ Change	FY 2023	\$ Change	FY 2024	\$ Change
	% of Bills	Cumulative %	% of Bills	Cumulative %											
1	8.4%	8.4%	31.5%	31.5%	\$19.95	\$25.35	\$5.40	\$26.00	\$0.65	\$26.65	\$0.65	\$27.30	\$0.65	\$27.95	\$0.65
2	13.9%	22.3%	10.2%	41.6%	\$34.85	\$40.65	\$5.80	\$41.70	\$1.05	\$42.75	\$1.05	\$43.80	\$1.05	\$44.85	\$1.05
3	18.8%	41.1%	6.1%	47.8%	\$49.75	\$55.95	\$6.20	\$57.40	\$1.45	\$58.85	\$1.45	\$60.30	\$1.45	\$61.75	\$1.45
4	18.0%	59.1%	4.5%	52.3%	\$64.65	\$71.25	\$6.60	\$73.10	\$1.85	\$74.95	\$1.85	\$76.80	\$1.85	\$78.65	\$1.85
5	14.2%	73.3%	3.2%	55.5%	\$79.55	\$86.55	\$7.00	\$88.80	\$2.25	\$91.05	\$2.25	\$93.30	\$2.25	\$95.55	\$2.25
10	21.8%	95.1%	10.4%	65.9%	\$154.05	\$163.05	\$9.00	\$167.30	\$4.25	\$171.55	\$4.25	\$175.80	\$4.25	\$180.05	\$4.25
20	2.9%	98.0%	11.3%	77.2%	\$303.05	\$316.05	\$13.00	\$324.30	\$8.25	\$332.55	\$8.25	\$340.80	\$8.25	\$349.05	\$8.25
30	0.6%	98.6%	5.7%	82.9%	\$452.05	\$469.05	\$17.00	\$481.30	\$12.25	\$493.55	\$12.25	\$505.80	\$12.25	\$518.05	\$12.25
40	0.3%	99.0%	3.7%	86.6%	\$601.05	\$622.05	\$21.00	\$638.30	\$16.25	\$654.55	\$16.25	\$670.80	\$16.25	\$687.05	\$16.25
50	0.2%	99.1%	2.0%	88.6%	\$750.05	\$775.05	\$25.00	\$795.30	\$20.25	\$815.55	\$20.25	\$835.80	\$20.25	\$856.05	\$20.25
100	0.9%	100.0%	11.4%	100.0%	\$1,495.05	\$1,540.05	\$45.00	\$1,580.30	\$40.25	\$1,620.55	\$40.25	\$1,660.80	\$40.25	\$1,701.05	\$40.25

The village of Lombard adopted NewGen's recommended rate structure which included a new fixed capital fee.

CUSTOMER BILL IMPACT BENCHMARKING

NewGen will conduct a benchmarking evaluation to facilitate comparison of the Village's current and proposed water and sewer bills for a typical customer of each classification compared to a similar customer in surrounding utilities of similar size. A sample chart representing this comparison is shown below, which NewGen provided to the City of Galesburg, IL as a part of its water rate study.

Exhibit 5. Sample Regional Bill Comparison Chart – City of Maryville, MO

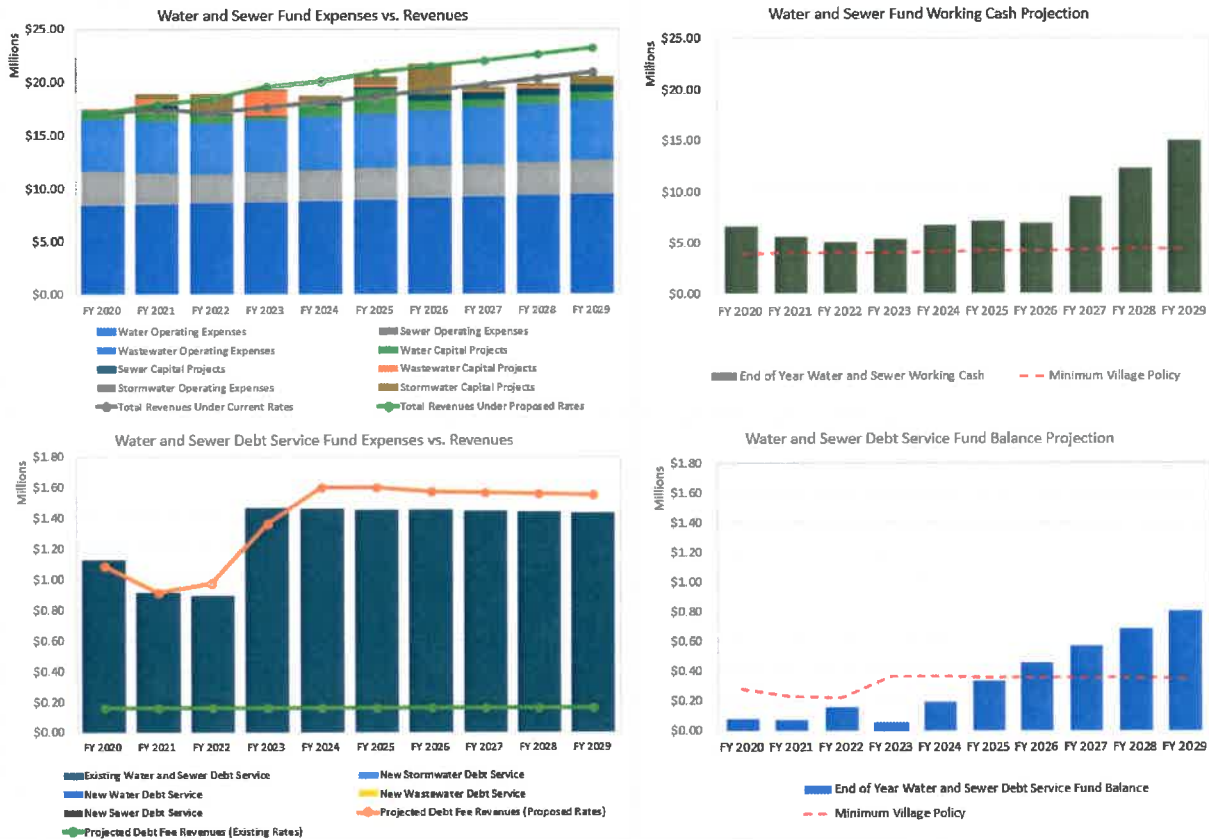


NEWGEN'S FINANCIAL MODEL

NewGen's model will utilize Microsoft Excel® software. The model produces a series of interactive schedules, each of which will address a principal topic (O&M costs, debt service, demand/usage, cost of service, etc.). Every model NewGen develops is fully customized to match the client's account structures and budget documents.

Built into the model is a Dashboard of summary-level graphics that show high level projections of revenues, expenses, and cash flows under the model's current scenario, as well as key performance indicators. A sample rate model dashboard from is shown in the exhibit below, which NewGen developed for the Village of Addison, IL, to complete a water and sewer and stormwater rate study.

Exhibit 6. Sample Water and Sewer Rate Model Dashboard Charts – Village of Addison, IL



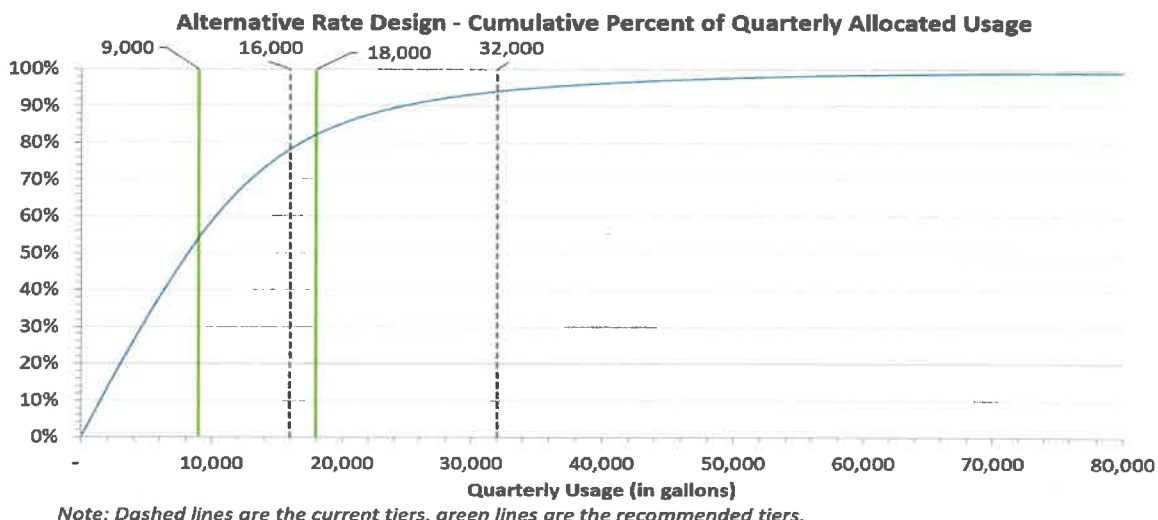
The model developed during the study will become property of the Village at the conclusion of the study. NewGen does not charge any form of licensing fee or royalty for continued use of the model. The model's schedules are all linked to facilitate updating and to minimize input errors. NewGen's financial models are extremely user-friendly, and we make every effort to ensure that the model is a useful tool for the Village. The model will not be a black box but rather a tool that can easily be used, understood, and updated.

Task 3 Deliverables

- Ten-year projection of specific water and sewer rates sufficient to sustain the financial plans developed in Task 4
- Two (2) alternative rate structures for each utility, at least one of which will include a new fixed fee
- Adverse customer impact analysis for all alternative rate structures
- Regional bill comparison under current and recommended rates
- Dynamic financial model in Microsoft Excel® software that allows the Village to change various assumptions and run multiple rate projection scenarios

OPTIONAL TASK – TIERED USAGE ANALYSIS AND ALTERNATIVE RATE STRUCTURE

If the Village desires to examine a tiered water and/or rate structure, that is, a structure that as a customer's use increase, the price per unit increases at defined "tiers", then an optional task will be a tier analysis of the Village's customer base, by class. The results of this analysis will provide a basis for any adjustments to the Village's current water and/or sewer rate structure, particularly the implementation of tiered water rates. A sample demand / tiered usage analysis is presented below, which NewGen developed for the Town of Vienna, VA.

Exhibit 7. Sample Water Usage Tier Analysis – Vienna, VA

While a tiered water rate structure gives a strong conservation signal to customers, the Village would experience more variability in revenue on a seasonal basis, as usage during summer months would be accounted for in higher rate tiers. If desired, NewGen will determine customer impacts and monthly revenue impacts under an alternative tiered rate structure.

Optional Task Deliverable

- Tiered usage analysis to determine appropriate water and/or sewer rate tiers to be used in a possible rate alternative

TASK 4 – PRELIMINARY REPORT AND PUBLIC ENGAGEMENT

NewGen will document all work performed during the water and sewer rate study in a concise narrative report. The report will include an executive summary that will be written in easy-to-understand terms so that it is public-friendly. All data sources relied upon in the study will be identified and documented, and all

assumptions clearly set forth. NewGen will present the draft report at two (2) public meetings: one with the Village Finance Committee, and one with the Village Board to discuss the study's draft findings and recommendations. The study's draft results will be presented as a summary slideshow in Microsoft PowerPoint® and will present all study data, results, and recommendations.

Task 4 Deliverables

- Draft Rate Study Report
- Rate Study Draft Results Presentation to Village Finance Committee Village Board

TASK 5 – FINAL REPORT AND PUBLIC ENGAGEMENT

Based on any feedback from the Finance Committee and Village Board during task 5, NewGen will refine the results of the study and submit to the Village a final study report. NewGen will again attend two (2) meetings: one with the Village Finance Committee, and one with the Village Board to present the final results, including all methodologies, assumptions, calculations that may have been refined since the draft report..

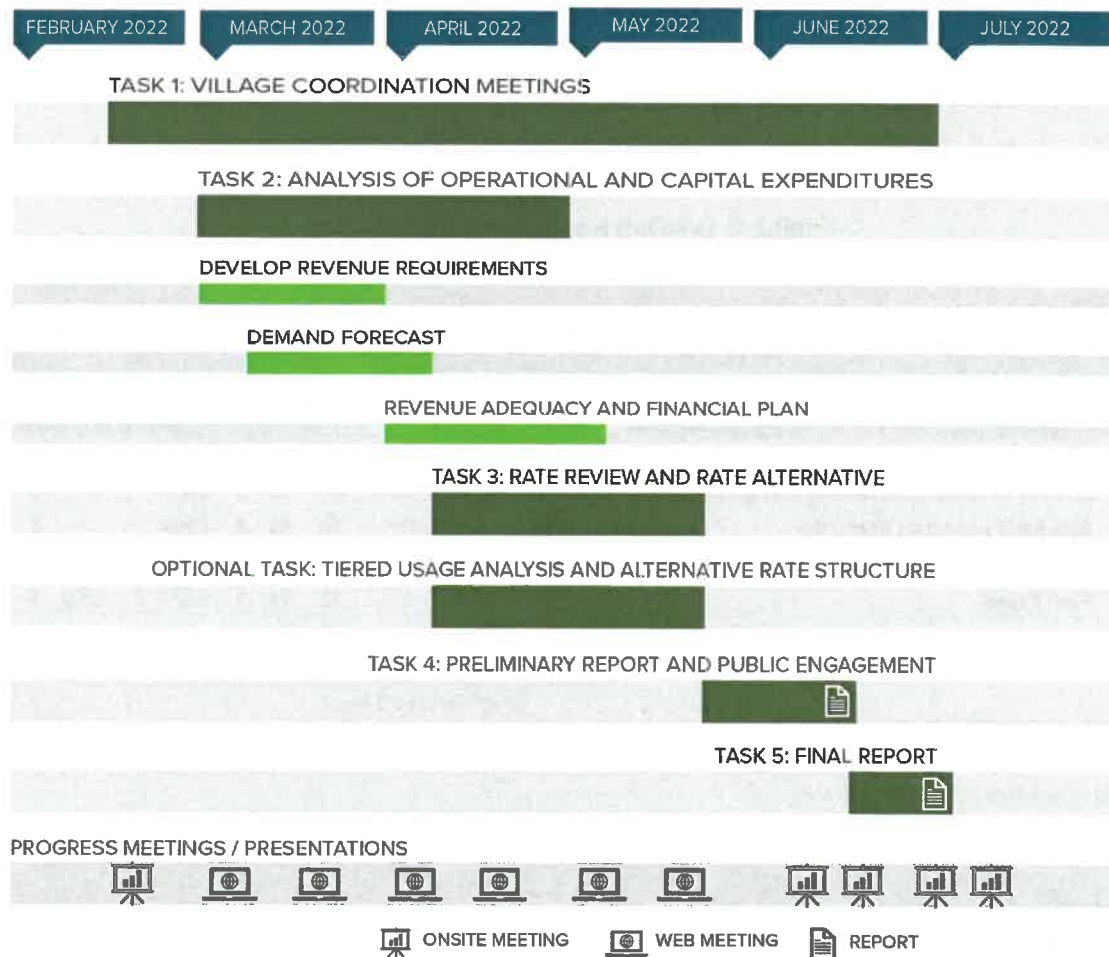
Task 5 Deliverables

- Final Rate Study Report
- Rate Study Final Results Presentation to Village Finance Committee and Village Board

PROPOSED TIMELINE

Assuming notice to proceed as stated in the RFP&Q (February 15, 2022), NewGen will deliver a draft report on June 15, 2022, sixteen (16) weeks after notice to proceed. NewGen's final report will then be delivered two weeks after meeting with Village Finance Committee and Village Board to discuss the draft results. Our planned project schedule, by task, is shown in Exhibit 8we.

Exhibit 8. Project Schedule



KEY DELIVERABLES/MILESTONES

- FEB 2022 - KICKOFF MEETING (ONSITE)
- SEMI-MONTHLY - PROJECT STATUS MEETING (VIRTUAL)
- JUN 2022 - ON-SITE MEETING WITH VILLAGE FINANCE COMMITTEE (DRAFT REPORT)
- JUN 2022 - ON-SITE PRESENTATION OF DRAFT REPORT TO THE VILLAGE BOARD
- JUL 2022 - ON-SITE MEETING WITH VILLAGE FINANCE COMMITTEE (FINAL REPORT)
- JUL 2022 - ON-SITE PRESENTATION OF FINAL REPORT TO THE VILLAGE BOARD

COMPENSATION

BASIS OF NOT-TO-EXCEED COST

We develop our cost proposals by determining the number of hours of effort that will be required by each of our proposed project staff on a task-by-task basis and multiplying this number by each staff member's hourly rate. To this estimate of professional fees, we add estimated out-of-pocket at actual cost, with no profit or overhead added to out-of-pocket expenses. Any discounts received (car rentals, hotels, etc.) are passed through to the client.

NOT-TO-EXCEED COST

Our not-to-exceed cost proposal for the rate/fee study specified by the Village's RFQ&P will be **\$4,310**. A detailed breakdown is shown in the exhibit below.

Exhibit 9. Detailed Not-to-Exceed Study Cost

Task	Callocchia \$235	Garrett \$290	Wright \$200	Carnes \$145	Hours	Professional Fees	Out-of-Pocket Expenses	Total
Task 1 Village Coordination Meetings	8	4	12	24	48	\$ 8,920	\$ 750	\$ 9,670
Task 2 Analysis of Operational and Capital Expenditures	8	2	12	32	54	\$ 9,500		\$ 9,500
Task 3 Rate Review and Rate Alternative	8	4	12	32	56	\$ 10,080		\$ 10,080
Task 4 Preliminary Report & Public Engagement	12	4	12	24	52	\$ 9,860	\$ 1,500	\$ 11,360
Task 5 Final Report	12	4	6	12	34	\$ 6,920	\$ 1,500	\$ 8,420
Labor Hours	48	18	54	124	244			
				Subtotal		\$ 45,280	\$ 3,750	
				Total Proposed Budget				\$ 49,030

Should the Village desire to investigate a tiered water or sewer rate structure, the additional cost of the Optional Task would be as follows:

Task	Callocchia \$235	Garrett \$290	Wright \$200	Carnes \$145	Hours	Professional Fees	Out-of-Pocket Expenses	Total
Optional Task Tiered Usage Analysis	4	-	8	8		\$ 3,700		\$ 3,700

We guarantee the rates shown above through December 31, 2022. At that time, and January 1, 2023, and each year thereafter, we reserve the rate to adjust these billing rates.

PROPOSAL

I/We hereby agree to furnish to the VILLAGE, consulting services in accordance with provisions, instructions, and specifications of the VILLAGE. The Proposal Form must be signed by an authorized agent. If the CONSULTANT is a corporation, the corporate seal must be affixed. The unit rate(s), proposed fee(s), amount(s), date of signature, and any other relevant information must be stated.

The successful CONSULTANT will be required to agree to and sign the VILLAGE contract and appendices (sexual harassment policy, tax liability, and CDL testing.) They are provided for the CONSULTANT'S information in Appendices 1 & 2.

This Proposal shall be binding for one (1) year following the scheduled proposal due date.

My signature certifies that the proposal as submitted complies with all terms and conditions as set forth in the Request for Proposals for a Water and Sewer Rate Study.

I/We hereby certify that I/We am/are authorized to sign as an agent(s) of the firm:

If an individual or partnership, all individual names of each partner shall be signed:

By:



Print Name: Matthew Garrett

Position/Title Managing Director

By:

Print Name:

Position/Title

Company Name: NewGen Strategies and Solutions, LLC

Address line 1: 911-A Commerce Road

Address line 2: Annapolis, MD 21401

ADDITIONAL INFORMATION

FIRM BACKGROUND

NewGen Strategies and Solutions, LLC (NewGen) is a management and economic consulting firm specializing in serving the utility industry and market. Established as a Limited Liability Corporation (LLC) in August 2012, NewGen primarily serves public sector utilities and provides nationally recognized expertise in load forecasting, utility cost of service (COS) and rate design studies, financial feasibility studies, municipalization and privatization efforts, depreciation and appraisal studies, litigation support for state and federal regulatory proceedings, utility financial planning, and stakeholder engagement for water, wastewater, solid waste, electric, and natural gas utilities.



We recognize the need for strategic intent behind our clients' actions by applying the latest market insights, technologies, and tactics to support our recommendations. Our results empower decision-makers to implement sound public policy, incorporating community input, market direction, and regulatory mandates.

Understanding your community, your organization, and your data are the three essential elements to developing actionable strategies to maximize the future. NewGen believes that strategy dictates everything. Our approach utilizes your data, markets, and communities to provide an integrated view designed to make long-term decisions with confidence. We leverage our modelling technology and market expertise in utilities to solve your most complicated issues. Through proactive collaboration, we upgrade or design strategies for you to ensure they are responsive, transparent, and reliable while paving the way for successful buy-in from all your stakeholders.

We are well versed and experienced in providing management and financial advice related to every aspect of municipal utility services. Some of the specialized services that we offer to our clients include wholesale and retail cost of service/rate studies, system development charge/availability fee studies, operational reviews/management audits, comparative analyses and benchmarking, financial feasibility studies and contract negotiations.

NewGen employs more than 50 professional and administrative staff, with 11 ownership members and a Board. Our current staff is experienced and capable and has the capacity to work on simultaneous assignments, and we can add staff and expand support from a network of teaming partners if needed. NewGen has 12 offices located nationwide.



NEWGEN'S CORE COMPETENCIES

NewGen's core business is providing financial and management advice related to water, wastewater, stormwater, and solid waste infrastructure and operations. The specialized services we offer to our clients include:

- Cost of Service/Rate Studies
- System Development Charges/Capacity Fee Studies
- Operational Reviews/Management Audits
- Comparative Analyses/Benchmarking
- Expert Witness Testimony
- Financial Feasibility Studies
- Infrastructure Management/GASB 34
- Conservation Studies
- Appraisals / Fair Market Valuations
- Organizational Effectiveness

NewGen's personnel have both broad and deep experience in the municipal utility industry; some of our staff have extensive service in the public sector or worked for utilities prior to consulting careers.

Our personnel have performed and managed every type of consulting or financial activity that can occur in or related to a utility – including rate studies, feasibility studies, staffing and organizational studies, benchmarking, appraisals, consolidation and divestiture projects, arbitrage rebate reporting, litigation support and expert witness testimony, presentations to rating agencies, negotiations with regulators and much more. NewGen's sole focus is on providing objective professional advice and assistance for our clients' specialized activities – this is our core business; it is not a means to be selected to design or build the next facility, nor is it a prelude to structuring, underwriting, or marketing the next debt issue. *This is what we do.*

PROJECT MANAGEMENT APPROACH

Each engagement undertaken by NewGen is under the immediate control of a member of the Firm. As a result, management is always advised of each project's status and requirements and is capable of immediately committing resources requisite to satisfy current engagement needs. The Project Manager is the principal contact for the client and has primary responsibility for keeping the client informed always of project status. The Project Manager is supported by the Project Principal who is ultimately responsible for all project deliverables.

NewGen has developed its organization, operating practices, and staff to provide maximum responsiveness to the needs of its clients through the effective application of multi-disciplinary technical resources. The Project Manager draws upon the specialized talents within the Firm to achieve an optimum balance of skills and experience. Project organization is structured to maximize the attainment of client objectives on time and within budget. This enables us to perform a wide range of analysis, design, development, implementation, and training activities with maximum effectiveness.

NewGen will coordinate with and aid the Village to undertake all necessary project management actions to advance the overall scope of work and each individual task detailed in this proposal. These project management activities will include:

- Preparing a project management plan and schedule;
- Holding regular progress meetings and progress calls;
- Preparing monthly progress reports;
- Managing and addressing the Village's comments and questions on tasks and deliverables;

- Assisting the Village in conducting stakeholder meetings and developing associated outreach materials, if necessary; and
- Preparing any written reports and other deliverables associated with the tasks described above.

Management practices must begin at the top and flow to all organizational elements of the Firm. NewGen's managerial functions are administered under formalized procedures and policies to support the on-site Project Manager in effectively carrying out his/her role. These policies and practices are modified and expanded as required to suit operating circumstances and conditions of the client. In addition to providing management guidelines and Firm policies, practices and standards include internal control procedures, technical principles and methodologies, financial controls, and quality control.

BUDGET AND SCHEDULE CONTROL

A detailed project schedule is developed to clearly identify project tasks, staff roles and responsibilities, deliverables, QA/QC, client meetings and informational / outreach meetings for each project. Each task has a clearly identified budget and schedule. To have the project completed in a cost-efficient manner, we address with the client at the project kickoff meeting (or earlier, if possible) work elements that could be accomplished by client staff.

DATA CONTROL AND STORAGE

For each of our client projects we utilize dedicated/shared websites on which indexed and catalogued data related to the project is stored and accessible to authorized users from both the client and consulting organizations. While the software used for such shared sites is subject to client approval, we have in the past utilized Dropbox, Microsoft OneDrive and/or SharePoint.

QUALITY ASSURANCE AND QUALITY CONTROL PROCEDURES

Firm-wide quality control is maintained through technical and administrative peer reviews and by careful selection, retention, and training of competent staff. NewGen's philosophy and approach to quality control has evolved over the years, and reflects NewGen's origins as part of national CPA and engineering firms:

- All work products are reviewed by an officer of the firm before delivery to a client.
- Client work is documented thoroughly and completely, using workpaper standards like those used by CPA firms. Workpapers are maintained for a minimum of five years after completion of an engagement.
- Unauthorized or non-standard software is strictly prohibited on NewGen-owned computers, and all computers are protected by anti-virus software that is regularly updated. All computers and all access to corporate files are protected by firewalls and appropriate safeguards (e.g., passwords) that are regularly changed and updated.
- Copies of all electronic files and emails are backed up regularly.

A key component of our quality control efforts is our training program. The most important objective of our program and its related courses is to provide each person with the skills required to function effectively on an engagement. Accordingly, our staff regularly attends and participates in courses that are practice-oriented and taught by seasoned professionals with training expertise. We encourage our staff to participate in the appropriate technical and industry associations, and staff performance reviews include consideration of staff participation in appropriate professional and technical organizations, and on regular updating of skills. These courses are both skill and industry specific and provide information on emerging financial, economic, organizational and management consulting issues.

NewGen recognizes that the quality of our analysis and work product is of paramount importance. To serve as a trusted advisor to our clients, it is critical that our work be of the highest caliber. Mistakes challenge our credibility with colleagues and clients and can lead to serious negative consequences including, but not limited to, potential disputes. Given this, each engagement must be conducted under strict quality assurance/quality control (QA/QC) procedures. NewGen's internal QA/QC program involves three key levels of review for every project:

LEVEL 1 – PERSONAL

At the first level of our QA/QC program, every consultant is personally responsible for their work product. Any product developed internally should be considered "client-ready" prior to being submitted to higher levels of management for review. To assist consultants in ensuring that their work product meets these standards, NewGen has developed and utilizes a "CHECK-UP" process, as demonstrated by the graphic to the right. Utilizing this as an acronym, NewGen encourages its consultants to apply each of these standards to every analysis conducted or work product prepared.

LEVEL 2 – PEER

The second level of our QA/QC process involves a peer review of all analysis and work product. As part of this process, NewGen has designated experts in each subject matter area to serve as "qualified reviewers." Each analysis or work product is reviewed and approved by a qualified reviewer prior to further transmission to a client.

LEVEL 3 – PRODUCT

The final level of review in our QA/QC process seeks to ensure that the product we develop and publish is reflective of the high standards of our Firm. Each deliverable is reviewed by our administrative staff to ensure it meets the quality standards of a NewGen product, regardless of the individual or office that produced the product. Additionally, integrated and embedded in the product is a QA/QC process of more automated checking of calculations and formulas that ensure the model is operating properly and concisely, and notifies users if the model was updated or if any errors are present.

IMPLEMENTATION

NewGen conducts annual training for employees on the QA/QC process. This includes in-person and virtual workshops on project management and the proper application of the QA/QC procedures. Furthermore, each employee's annual performance review has an entire section devoted to work quality and assesses the employee's application of the above outlined process.

CALCULATIONS

- Affirm internal checks are in place and not producing errors.

HOLISTIC

- Have you gotten out of the details and looked at the big picture?

ENGLISH

- Proper grammar and correct spelling.

COMPOSITION

- How does your product look?

KNOWLEDGE

- Does it reflect industry standards and represent a quality product?

UNDERLYING ASSUMPTIONS AND NOTES

- Clearly document and affirm assumptions.

PRINT READY

- Make sure document is print ready.





APPENDIX A: RESUMES

QUALIFICATION & PROPOSAL
**COMPREHENSIVE WATER &
SEWER RATE STUDY**



Eric CALLOCCHIA

EXECUTIVE CONSULTANT

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EDUCATION

Bachelor of Arts in Economics and
Mathematics, Johns Hopkins University

PROFESSIONAL REGISTRATIONS/ CERTIFICATIONS

American Water Works Association

*Active member of the AWWA Rates and
Charges Committee and Cost of Service
Subcommittee*

Water Environment Federation

Government Finance Officers Association

KEY EXPERTISE

Financial Modeling

Water and Wastewater Cost of Service
Analyses

Utility Rate and Fee Design

Economic Impact Analysis

Utility Management

Econometrics

Cash Flow Sensitivity Analysis

Public Finance

Mr. Callocchia has twelve years of experience in the management of cost of service rate studies for owners of water, sewer, stormwater and solid waste utilities. His expertise includes rate design, dynamic cash flow modeling and benchmarking evaluations. He is a contributing author to the Water Environment Federation's Manual of Practice 27: Financing and Charges for Wastewater Systems. He is certified as an expert witness in rate setting matters by the State of Maryland Tax Court.

> RELEVANT EXPERIENCE

Water/Sewer/Stormwater Rate Studies

Mr. Callocchia has provided water, wastewater, and stormwater industry expertise and policy guidance to Clients. His rate study approach involves the development of customized financial models that focus on the policy issues, cash needs, revenue requirements, and key performance indicators of each client. His models have provided clients with the necessary information to make critical capital financing decisions and rate adjustments to fully finance their system's operation and asset maintenance and replacement needs while also maintaining fund balance policies based on industry best practices. The models also have the capability of scenario analysis and can be incorporated with operating and capital expense and revenue projects. Mr. Callocchia has developed and recommended alternative rate structures and assisted in the implementation of a phased-in rate plans that address client issues and maintain the financial health of utility funds. Mr. Callocchia also provides expert guidance on the management of water, sewer, and stormwater utilities including the development of policies and procedures related to customer service, organizational communication, and public outreach.

Clients that Mr. Callocchia has provided these services to include:

- Albemarle County, VA
- Anne Arundel County, MD
- Village of Addison, IL
- City of Annapolis, MD
- Bloomington and Normal Water Reclamation District, IL
- Town of Barnstable, MA
- City of Charlottesville, VA
- City of Concord, CA
- Delaware County Regional
- Water Quality Control Authority (DELCROA), PA
- City of Prospect Heights, IL
- City of Dover, DE
- Town of Colonial Beach, VA
- Township of East Brunswick, NJ
- City of Falls Church, VA
- Frederick County, MD
- City of Frederick, MD
- City of Fredericksburg, VA

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- City of Hagerstown, MD
- City of Hampton, VA
- Town of Herndon, VA
- Jericho Water District, NY
- Village of Libertyville, IL
- Village of Lindenhurst, IL
- Village of Lombard, IL
- Town of Lovettsville, VA
- City of Naperville, IL
- City of North Kingstown, RI
- Village of Orland Park, IL
- City of Park Ridge, IL
- City of Portsmouth, VA
- Town of Purcellville, VA
- City of Richmond, VA
- Rivanna Water and Sewer Authority, VA
- City of Rockville, MD
- City of Salisbury, MD
- Somerset County Sanitary District, MD
- Town of Fairfield WPCA, CT
- Town of Elkton, MD
- Town of Vienna, VA
- Town of Wallingford, CT
- Wise County Public Service Authority, VA
- Village of Fox Lake, IL
- Town of Pound, VA
- City of Westminster, MD
- Town of Middleburg, VA
- Washington Suburban Sanitary Commission, MD
- Town of Wallingford, CT
- Village of Westchester, IL
- Jurupa Community Services District, CA
- King George County Service Authority, VA
- Loudoun Water, VA
- Town of Lovettsville, VA
- Coachella Valley Water District, CA
- City of Brea, CA

Stormwater Feasibility and Fee Studies

Libertyville, IL

In 2019, the Village engaged NewGen to complete a feasibility study to project the costs of implementing a Master Stormwater Management Plan (MSM) and to determine the appropriate methodology to charge Village citizens the costs of the MSMP planned projects. The Village also tasked NewGen with developing credit policies and manuals, appeal procedures, and an appropriate Stormwater Ordinance. Mr. Callocchia developed a financial model that projected the twenty-year cost of the Village's MSMP and the various impervious are based cost allocation methods the Village could adopt as a funding mechanism. Mr. Callocchia feasibility study allowed Village staff and elected officials to evaluate the various stormwater funding alternatives and implement industry best practices for the administration of its stormwater management program. Mr. Callocchia finalized the impervious area and utility billing databases and coordinated with Village staff to develop interactive an online fee lookup tool that allowed Village citizens to see their potential stormwater fee before it became effective. Mr. Callocchia also worked with Village staff to conduct two Town Hall style public information sessions prior to the fee becoming effective.

Westminster, MD

The City of Westminster serves as the County Seat and is in the center of Carroll County. Westminster is conveniently located near Maryland's largest cities, two state capitals, Annapolis and Harrisburg, and the nation's Capital. The City had historically faced challenges when funding stormwater operating and capital costs. The City in the past had not accounted in a detailed fashion the actual costs of stormwater management, with most of the costs absorbed by the City's streets and roads maintenance accounted for in the General Fund. The City engaged NewGen in 2019 to complete a feasibility study with several tasks: Identify and isolate the true cost of stormwater maintenance, develop and recommend a ten-year stormwater CIP given the City's asset listing and future stormwater needs, recommend policies regarding stormwater fees and credits, engage in a

Eric CALLOCCHIA

EXECUTIVE CONSULTANT

public information campaign to educate the City's citizens on the need for additional resources for stormwater management, and assist in the implementation of a Stormwater Utility that properly accounts for the City's stormwater costs. Mr. Callocchia developed a financial model detailing the City's stormwater costs and helped the City implement a stormwater fee tied to the account information of City sewer users.

Frederick County, MD

Frederick County, Maryland was anticipating the issuance of a Municipal Separate Storm Sewer System (MS4) Permit from the Maryland Department of the Environment (MDE) that would place a certain cost burden on the County's 48,000 stormwater fee payers. Mr. Callocchia developed a financial model that determined the Maximum Extent Practicable (MEP) level that the county could reasonably fund given current levels of funding, median household income, and the County's procurement limitations. Mr. Callocchia's financial model allowed for a sensitivity analysis to determine the increase in funding that would be possible given several factors. The County used Mr. Callocchia's analysis to appeal the permit requirements and reduce the financial impact on the County's customers by both reducing the mandated spending related to the permit and lengthening the required implementation timeframe.

Water and Sewer Revenue Bond Feasibility Study

Mr. Callocchia developed for the City of Annapolis, Maryland a water and sewer rate model that projected various debt scenarios, including bond coverage calculations and cash on hand target projections. The City was able to generate ratings of AA-, Aa3, and AA- from the three major rating agencies and issue the revenue bonds in the amount of \$30,755,000 on schedule thanks to the feasibility report generated by Mr. Callocchia's team.

Litigation Support

Water Rate Litigation

The San Diego County Water Authority (SDCWA) and The Metropolitan Water District of California (MWD) were engaged in litigation regarding the water rates charged to SDCWA by MWD. Mr. Callocchia developed a report on MWD's rate setting methodology and how it relates to the principles and industry standard practices detailed in the American Water Works Association (AWWA) Manual M1 - Principles of Water Rates, Fees, and Charges. Mr. Callocchia's evaluation assisted SDCWA in its efforts to show the illegality of MWD's rates based on their non-conformity to both AWWA standards and California Law (Proposition 26). Mr. Callocchia's work involved both cost-of-service analysis and knowledgeable explanation of industry standards to the Superior Courts of California. Subsequent to Mr. Callocchia's report, SDCWA was awarded about \$235 million after a judge ruled in favor of the Water Authority, saying MWD's rates for 2011-2014 were illegal. Upon appeal, the appellate court did rule in favor of MWD on one issue out of twelve. The California Supreme Court denied a petition by SDCWA to review the appellate court ruling. The results of the dispute in which Mr. Callocchia was involved as an expert were:

- MWD must pay the Water Authority approximately \$51 million for so-called "Water Stewardship" charges MWD added to the transportation rates it charged the Water Authority from 2011-2014; The decision prevents MWD from imposing more than \$20 million in illegal charges annually going forward. Through 2047, those unlawful charges would have amounted to approximately \$1.1 billion.
- MWD unlawfully under-calculated the Water Authority's statutory water right to MWD's water supply.
- A contract clause MWD used to disqualify local water supply projects in San Diego County from receiving funding from MWD was unconstitutional.

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Utility Billing Dispute

Silgan Plastics is the leading manufacturer of metal containers in North America and Europe, and the largest manufacturer of metal food containers in North America with a volume of approximately half the market share in the United States of America. They are also a leading worldwide manufacturer of metal, composite and plastic closures for food and beverage products. Mr. Callocchia led a team to evaluate the utility rates charges to a selection of Silgan's manufacturing plants and assist Silgan in settling rate disputes with local utility providers. Mr. Callocchia's detailed evaluations and expert analysis resulted in a settlement agreement for more than \$500,000 above the amount previously offered to Silgan before Mr. Callocchia's involvement.

Benefit Assessment Dispute

The City of Westminster, Maryland was sued by a new customer who alleged that the methodology used by the City to calculate its water and sewer benefit assessments, commonly known in the utility industry as a System Development Charges, was unlawful. Mr. Callocchia served as an expert witness detailing the industry standard methodologies used to calculate these fees and provided the Court with the rationale and basis for the City's fees. The Court ultimately found that the City's fees were not illegally calculated based on the City's testimony, which included Mr. Callocchia's expert witness statements.

› PRESENTATION AND PUBLICATIONS

Mr. Callocchia has given numerous presentations and participated in training and workshops. These presentations are shown below.

- "Setting Water and Sewer Rates in New York State While Addressing the Challenges of 2020" New York State GFOA 2020 Northeast Holiday Seminar
- **WEF Manual 27, Financing and Charges for Wastewater Systems**, Contributing Author
- "Setting Water and Sewer Rates"; 2017 New York State GFOA 38th Annual Conference
- "A World without Crystal Balls: Attempting to Forecast Operating Expenses"; 2016 Tri-Association Conference
- "Enhanced General Fund Reimbursement by Enterprise Funds"; 2014 Brown Edwards Conference



Matthew GARRETT

MANAGING DIRECTOR

CONTACT

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EDUCATION

Master of Business Administration, University
of Texas at Dallas

Bachelor of Business Administration in
Management, Texas A&M University

PROFESSIONAL REGISTRATIONS/ CERTIFICATIONS

Certified Government Finance Officer (CGFO
#269), GFOAT

Texas Certified Public Manager (CPM), Texas
State University

KEY EXPERTISE

Long-range Strategic and Financial Business
Planning

Stakeholder Education and Engagement

Cost of Service and Rate Design

Valuation and Litigation Support

General Government Management

Priority-based Budgeting

Mr. Matthew Garrett, MBA, CGFO, CPM, leads a variety of cost of service and rate design studies for engagements with water, wastewater, natural gas, and storm water utilities. He has over sixteen years of experience working with the public sector and his diverse experience enhances each project with his pragmatic management perspectives. In addition to cost of service studies, he has managed or assisted on projects focused on impact fees, valuation, feasibility analyses, process improvement, public engagement, and litigation support.

➤ RELEVANT EXPERIENCE

Cost of Service and Rate Design - Water, Wastewater, and Natural Gas

Mr. Garrett leads and assists with financial evaluations for water, wastewater and natural gas utilities to safeguard their financial integrity through comprehensive cost of service analyses including wholesale services. Rates developed as a result of these engagements may equitably recover the full cost of service, including special consideration for affordability and best practice rate structures, or provide recommended rates in line with other prevailing rate-setting priorities of the governing body. He has assisted clients in the development of appropriate rates and outlining proposed terms and conditions of a potential run-of-the-river raw water lease of its permitted, but unused water rights, and reviewed wholesale cost of service and proposed rates studies. Mr. Garrett has participated in water, wastewater and/or natural gas cost of service and rate design studies for the following entities:

- City of Austin, Texas
- Town of Argyle, Texas
- City of Conroe, Texas
- City of Fate, Texas
- City of Forney, Texas
- City of Heath, Texas
- City of Hutto, Texas
- Lake Cities Municipal Utility Authority, Texas
- City of Lancaster, Texas
- City of Liberty Hill, Texas
- City of Lubbock, Texas
- City of Nacogdoches, Texas
- City of Red Oak, Texas
- City of Roanoke, Texas
- City of Rockport, Texas
- Trophy Club Municipal Utility District, Texas
- City of Victoria, Texas
- City of Waco, Texas
- West Wise Special Utility District, Texas
- City of Wylie, Texas

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MANAGING DIRECTOR

Impact Fee Analysis

Mr. Garrett has led or assisted in impact fee analysis to assist communities in setting the most appropriate fee amounts using a more comprehensive credit calculation. The maximum fee determination method employed is developed through a financial based model, which fully recognizes the requirements of Texas Local Government Code Chapter 395, including the recognition of cash and/or debt financing, interest earnings, fund balances, and applicable credits associated with the use of ad valorem taxes or utility revenues. His clients include:

- Argyle Water Supply Corporation, Texas
- City of Austin, Texas
- City of Burnet, Texas
- City of College Station, Texas
- City of Denton, Texas
- City of Flower Mound, Texas
- City of Fort Worth, Texas
- City of Galveston, Texas
- City of Garland, Texas
- City of Mesquite, Texas
- Nueces County WCID #4, Texas
- City of Willow Park, Texas

Valuation

Mr. Garrett assists clients with review and analysis of financial data and valuation to support appropriate compensation, acquisitions, and sales of assets or systems. He has determined appropriate compensation for the acquisition of a service area within a city's corporate limits, determined the fair value for a prospective acquisition of service area, assisted a coalition of cities with review of cable franchise fees for appropriateness and to identify any additional revenues due to the cities, assisted a utility district with the analysis of a city's offer to purchase the utility district, and assisted a utility with the sale, transfer, and merger filing with the state public utility commission. His clients include:

- Coalition of Cities, Texas Franchise Fee Review
- Double Diamond Utilities, Texas
- City of Heath, Texas
- Mustang SUD, Texas (6 PUC Dockets)
- Trophy Club Municipal Utility District No. 1, Texas
- City of Waco, Texas

Economic Analysis

Mr. Garrett has provided economic impact analysis of a proposed reservoir based on a 45-year planning horizon and examined the projected economic impact of interbasin transfers of large volumes of raw water from less populated areas to more densely populated and growing communities. His economic analysis clients include:

- North Texas Municipal Water District, Texas
- Sabine River Authority, Texas

Litigation Support

Mr. Garrett has provided litigation support to clients by assisting with conveyance of assets, the renewal of long-term raw water supply contracts, and decertified area valuations. His litigation support clients include:

- Sabine River Authority, Texas
- Mustang Special Utility District, Texas

Matthew GARRETT

MANAGING DIRECTOR

General Fund and Other Utility Special Projects

Mr. Garrett has assisted in analysis of General Fund and other utility special projects. Projects have included evaluation of a transportation utility fee, ambulance cost and fee review, data analysis, purchasing and work order process mapping, 10-year historical general fund expense and revenue Council presentation, indirect cost allocations, CCN amendment and PUC rate applications, TWDB SWIFT funding application, Tax proposition public education, Multi-year billing system audit, and Masterplan financial assessment. His clients include:

- City of Bonham, Texas
- City of Burkburnett, Texas
- City of Denton, Texas
- Double Diamond Utilities, Texas
- City of Forney, Texas
- City of Killeen, Texas
- Lake Cities Municipal Utility Authority, Texas
- San Jacinto River Authority, Texas
- City of Pittsburgh, Pennsylvania
- City of Roanoke, Texas
- City of Terrell, Texas
- U.S. Army
- City of Waco, Texas
- City of Wylie, Texas
- West Wise Special Utility District, Texas

➤ EXPERIENCE PRIOR TO NEWGEN

Town of Prosper, Texas – Finance Director

Directed all aspects of the Town finances including budget preparation and monitoring, financial reporting, creating fiscal transparency, debt issuance, purchasing, payroll administration, utility billing, collections and cash management. Acted as investment officer for the Town and chairman of the Town Council Finance Committee. Forecast future revenues and funds needed for appropriations. Coordinated with the Prosper Economic Development Corporation on various tax abatement/incentive offerings. Assisted Town department heads with IT solutions including efficient system utilization, application software and related hardware. Directed Human Resources function.

Collin County, Texas – Senior Financial Analyst

Responsible for budget preparation and review of twenty-two (22) departments with combined expenditure budgets totaling seventy-two (\$72) million dollars. Introduce and apply performance-based-budgeting techniques. Meet with Department Heads and Elected Officials to discuss operational challenges and opportunities within their programs. Provide scheduled and ad hoc analysis. Coordinate the Growth and Vision Task Force. Monitor legislation.

Collin County, Texas – Human Resources Supervisor

Manage Pay for Performance program for approximately 1,500 employee organization. Plan project schedules and implement communications strategy. Help management set organizational metrics and individual objectives. Build relationships with line management. Deploy new HR solutions, such as performance-based pay and web-based timesheets. Automate and reengineer payroll and HR functions. Audit payroll system. Act as liaison between HR and IT on joint projects.

Matthew GARRETT

MANAGING DIRECTOR

› PROFESSIONAL AFFILIATIONS

- Texas City Managers Association (TCMA), Member, Serves on Advocacy Committee
- Government Finance Officers Association of Texas (GFOAT), Member, Serves on Ethics Committee
- Government Finance Officers Association (GFOA), Member
- International City/County Management Association (ICMA), Member

› WORKSHOPS AND PRESENTATIONS

Mr. Garrett has given presentations and participated in workshops to municipal government organizations. These activities have focused on municipal priority-based budgeting and utility ratemaking. Host organizations and the topics Mr. Garrett presented are displayed below.

Government Finance Officer Association of Texas

- *Ante Up: Rational Budget Reductions When You Are Short on Chips (Spring 2009)*
- *When in Drought! Utility Rate Making Part 1 –Revenue Requirements and Cost of Service (Spring 2014)*
- *When in Drought! Utility Rate Making Part 2 –Rate Structure and Design (Spring 2014)*
- *Utility Rate Making & Customer Service Two-Day Pre-Conference (Spring 2015))*

North Central Texas Council of Governments

- *New and Emerging City Managers - Utility Management and Revenue Considerations (2014, 2016)*
- *New and Emerging Finance Directors Utility Management and Revenue Considerations (2015, 2016, 2017)*



Zak C. WRIGHT

SENIOR CONSULTANT

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EDUCATION

Master of Business Administration, Belmont University

Bachelor of Business Administration in Finance, University of Tennessee Knoxville

PROFESSIONAL REGISTRATIONS/ CERTIFICATIONS

Accredited Senior Appraiser (ASA) by the American Society of Appraisers

KEY EXPERTISE

Appraisals and Valuation

Depreciation Useful Life Analyses

Cost of Service and Rate Design – Water and Wastewater

Financial Planning & Budgeting Model

Rate Benchmarking & Analysis

Municipalization Feasibility Analysis

Contract and Formula Rate Review

Power Supply Planning

➤ RELEVANT EXPERIENCE

Cost of Service and Rate Design

Mr. Wright assists in conducting wholesale and retail cost of service and rate design studies for electric distribution, natural gas distribution, water and wastewater utilities to help them understand the operational and financial impacts of their residential and commercial services. These studies include the creation of wholesale and retail rate models in Microsoft Excel that are customized to meet the needs of each client. Many of these studies also included the creation of complex databases from AMI datasets to support the wholesale and retail models. His clients include:

- City of Bonham, TX
- City of Gatesville, TX
- City of Justin, TX
- City of Lewisville, TX
- City of Mansfield, TX
- City of Marshall, TX
- City of Mt. Pleasant, TX
- City of Paris, KY
- Princeton Electric Plant Board, KY
- Corbin Utilities Commission, KY

Financial Planning & Budgeting Model

Mr. Wright developed comprehensive financial models to streamline utility rate design studies and determine the optimal level of funded debt and capital investment within various budget, usage, and customer base scenarios. His clients include:

- City of Denton, TX
- City of Fayetteville, NC
- Cleveland Public Power, OH
- Kentucky Municipal Energy Agency, KY
- City of Georgetown, KY
- Neel-Schaffer, Inc. (City of Biloxi), MS
- Fairbanks Natural Gas / Interior Gas Utility, AK
- City of Charlottesville, VA

NewGen
Strategies & Solutions

Zak C. WRIGHT

SENIOR CONSULTANT

Rate Benchmarking

Mr. Wright benchmarked various competitors' rates against those of the client to determine costs based on several factors including specific usage patterns and customer classes. He developed recommendations on the potential rate design. His benchmarking clients include:

- CPS Energy, TX
- Mayfield Electric and Water Systems, KY
- City of Nicholasville, KY
- City of Bardstown, KY

Rate Analysis

Mr. Wright analyzed the impact of fluctuating natural gas and funded debt prices on the economic viability of the construction of a natural gas distribution system and utility in Alaska. He assessed the customer conversion rate and its impact on the utility's ability to deliver gas at a lower price. Mr. Wright also conducted a rate review on behalf of Cumberland River Southeastern Power Administration (SEPA) end-use customers. The review helped illustrate to the power administration that building a 50-year rate that included the cost of all potential capital improvement projects during that period would make the power unmarketable to these customers. This analysis helped encourage the power authority to incorporate a compromise true-up approach into their rate design.

- Cumberland River Southeastern Power Administration (SEPA) customers
- Stantec (Interior Gas Utility), AK

Municipalization Feasibility Analysis

Mr. Wright compiled demographic information from comparable municipal electric districts to approximate customer base, usage, and revenue information in support of the client's investigation into forming a municipal electric system. He utilized the compiled data and the most recent incumbent utility's cost of service data to develop a financial model assessing the financial feasibility of this undertaking and its economic impact on the city and its residents. His municipalization projects include:

- City of Spearfish, SD

Contract and Formula Rate Review

Mr. Wright reviewed annual rate formulas to ensure they comply with settlement agreements between a group of municipal utilities and an investor-owned utility. He also verified that settlement formulas and calculations that the IOU filed with Federal Energy Regulatory Commission (FERC) accurately determined the monies due to the cities. Mr. Wright's clients include:

- Kentucky Municipal Group, KY
- City of Paris, KY
- City of Nicholasville, KY
- Kentucky Municipal Energy Agency, KY
- City of Bardwell, KY

Power Supply Planning

Mr. Wright reviewed request for proposal responses and developed a common-size expense model to determine all-in cost of each respondent's proposal. He also supported the development of the recommendation of project award. His projects include:

- Kentucky Municipal Group, KY
- City of Bardwell, KY
- City of Paris, KY
- Kentucky Municipal Energy Agency, KY

Zak C. WRIGHT

SENIOR CONSULTANT

Franchise Fee Analysis

Mr. Wright developed a database to test accuracy of franchise fee payments to a group of cities in Texas. He manipulated approximately 40GB flat file of raw data from discovery into models that tested for underrecovery for cities and provided defensible results

- Lloyd Gosselink

Appraisals and Valuation

Mr. Wright performed analyses on appraisals to develop indicators of value using the income, cost, and market approaches of valuation. His appraisal projects include:

Water and Wastewater Systems

- | | | |
|--|--|----------------------------------|
| • Town of Lexington, SC | Company | • City of Lawrenceville, GA |
| • Conrad Consulting & Training LLC, IN | • Aqua Texas | • Sands Anderson, PC |
| • King George County Service Authority, VA | • SouthWest Water, Inc. | • Dentons Bingham Greenebaum LLP |
| • Canyon Lake Water Service | • Central States Water Resources | • York Water Company |
| | • Clifford, Ross, Raudenbush & Cooper, LLC, AZ | |

Power Generation Assets

- | | | |
|---------------------------------|---|--------------------------------------|
| • Greer, Herz & Adams, LLP, TX | • CPS Energy, TX | • Rusk County Appraisal District, TX |
| • Tri-State G&T Association, CO | • Somervell County Appraisal District, TX | • Williams Mullen |

Hydro-electric Generation Assets

- | | |
|------------------------|------------------------------------|
| • City of Hamilton, OH | • Walden Environmental Engineering |
|------------------------|------------------------------------|

Power Distribution Assets

- | | | |
|-----------------------|--|----------------------------|
| • MWH Corporation, TN | • Middle Tennessee Electric Membership Corp. | • City of Harrisonburg, VA |
|-----------------------|--|----------------------------|

Oil Refining Facilities

- Greer, Herz & Adams, LLP, TX

Gas Assets

- City of Rockport, TX

Waste-to-Energy Facilities

- | | |
|--|----------------------|
| • Onandaga County Resource Recovery Agency, NY | • City of Lisbon, CT |
|--|----------------------|

Power Supply Contracts

- Basic Management, Inc., NV

Zak C. **WRIGHT**

SENIOR CONSULTANT

Depreciation Useful Life Analyses

Mr. Wright performed actuarial life analyses to determine the estimated useful life span of generation plants for depreciation studies. These studies include:

- Los Angeles Department of Water and Power, CA
- Tri-State G&T Association, CO
- Kauai Island Utility Cooperative, HI



Tia. CARNES

CONSULTANT

CONTACT

112 Westwood Place, Ste 165
Brentwood, TN 37027

Email: tcarnes@newgenstrategies.net
Website: www.newgenstrategies.net

EDUCATION

Master of Business Administration, Belmont University

Bachelor of Science in Bible/Biblical Studies, Cairn University

KEY EXPERTISE

Appraisals and Valuation
Cost of Service and Rate Design
Financial Planning & Budgeting Model
Organizational Effectiveness
Rate Benchmarking & Analysis

Tia Carnes joined NewGen Strategies and Solutions, LLC (NewGen) as an Intern in September 2019, accepting a full-time consultant position in February 2020. During her tenure, she has provided financial modeling, appraisal/valuation support, cost of service and rate design, and most notably support to the organizational review and workshop development projects. Her experience includes leader training and development, team assessment, and financial analysis.

Ms. Carnes came to NewGen with a strong background in customer service, logistics, and high-volume task management.

> RELEVANT EXPERIENCE

Organizational Effectiveness

Ms. Carnes conducts a high-level review of an organization to determine best practices, areas for improvement, and recommend solutions. Her contributions include analysis of survey results determining the organizational health of the client. Her clients include:

- CPS Energy, TX
- DEMCO, LA
- City of Denton, TX

Cost of Service and Rate Design

Ms. Carnes performs cost of service and rate design studies for electric, wholesale and retail water, reclaimed water, wastewater, drainage, and natural gas utilities to assist clients in understanding the financial and operational impacts of their service offerings. Rates developed as a result of these studies are intended to fully recover operational costs. Her clients include:

- City of Lewisville, TX
- City of Seguin, TX
- City of Maryville, MO
- City of Charlottesville, VA
- City of Waco, TX
- City of White Settlement, TX
- City of Springfield, MO

Tia CARNES

CONSULTANT

Appraisals and Valuation

Ms. Carnes performs analyses on appraisals to develop indicators of value using the income, cost, and market approaches of valuation. Her appraisal projects include:

Power Generation Assets

- Somervell County Appraisal District, TX
- Robbins Schwartz

Power Distribution Assets

- City of Harrisonburg, VA

Water and Wastewater Systems

- Town of Lexington, SC

Power Supply Contracts

- Basic Management, Inc., NV



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

Meeting 2/28/2022 7:00 PM
Department: Administration
Department Head:
Category: Agreement
Prepared By: Greg Mathews

**AGENDA ITEM (ID
2022-1938)**

DOC ID: 2022-1938

Motion to Authorize the Village Manager to Execute a Lease Agreement with NVA RE, LLC, for Temporary Parking at the 640 Taft Avenue Hotel Site (Attorney Mathews)

Statement of the Issue:

Analysis:

Budget Impact:

Action Requested:

Attachments:

1. Animal Hospital Parking Lot Lease Agreement.Clean Final

**PARKING LOT
LEASE AGREEMENT**

This lease agreement ("Agreement") is entered into between the Village of Glen Ellyn ("Village" or "Lessor"), and NVA RE, LLC ("NVA" or "Lessee"), this _____ day of February, 2022. The Village and NVA are collectively referred to as ("Parties").

RECITALS

A. Village is the owner of property commonly known as 640 Taft Avenue, Glen Ellyn, Illinois. The subject property is legally described on Exhibit A attached hereto and is identified for real estate purposes as PIN 05-23-200-012 ("Property").

B. Village is an Illinois home rule municipal corporation, having its principal office at 535 Duane Street, Glen Ellyn, Illinois 60137.

C. The Property is presently improved with a vacant commercial building and surface parking spaces.

D. NVA is desirous of obtaining the use of twenty-five (25) additional, temporary, customer and employee parking spaces on the Village property for use in conjunction with the business of the Glen Ellyn Animal Hospital, located at 21 S. Park Boulevard, Glen Ellyn, Illinois.

E. Village is willing to lease to the NVA the Parking Lot (as defined below) on the Property until the earlier of, a) December 31, 2022; b) the termination of this Agreement as detailed in Section 9; or, c) at such time as the Property is developed or sold.

In consideration of the above recitals and the mutual covenants contained in this Agreement, the Parties hereby agree as follows:

1. Village agrees to lease to NVA twenty-five (25) parking spaces in the Village's surface parking lot ("Parking Lot") located on the Property for use by customers and employees in the subject parking spaces. Depiction of the Parking Lot is included as Exhibit B. Village reserves, notwithstanding anything to the contrary elsewhere in this Agreement, the right to demolish, upon 15 days' notice to NVA, the existing structure on the Property adjacent to the Parking Lot and utilize such portion of the Parking Lot as determined by Village to facilitate said demolition. The Village shall use its best efforts not to interfere with NVA's use of the Parking Lot in the event of demolition on the Property.

2. NVA shall generally monitor and oversee use of the leased parking spaces.

3. NVA shall be permitted to place signage on the Property to identify the parking lot, subject to this Agreement, and the prior approval of Village, not to be unreasonably withheld, as being reserved for customer and employee parking, and marking any parking spaces subject to specific time restrictions, including no overnight parking between the hours 9 p.m., and 6 a.m. NVA in its sole and absolute discretion, shall be permitted to seal, repair, and restripe the parking lot in accordance with Village regulations. Costs for the installation and maintenance of the signage and Parking Lot shall be the responsibility of the NVA. At the expiration of this Agreement and upon Village's request, NVA shall remove any signage at its cost. The existing signs shall, notwithstanding anything to the contrary elsewhere in this Agreement, be excluded from this Lease Agreement and remain the sole and exclusive property of Village.

4. NVA shall pay Village, as base rent for the ensuing month, One Thousand Five Hundred and Fifty Dollars (\$1,550.00) per month, due on the first day of every month. In the event that the Village's demolition prevents NVA from using any parking space on the Parking Lot, the base rent will be reduced pro rata by the amount of parking spaces unavailable to NVA.

5. NVA shall, at its own cost, and without any expense to Village, keep and maintain the Parking Lot in a safe, clean, and orderly condition provided, however, NVA shall not be obligated to perform any capital improvements to the Parking Lot. Maintenance performed by NVA will include snow and ice removal as soon as practical, sweeping/blowing/removing trash, maintenance of any damage to Village fencing caused by vehicles or plowing operations, and maintenance of any signs installed by NVA.

6. NVA consents to the Glen Ellyn Police Department enforcing traffic and parking regulations on the Property. NVA shall be responsible for the cost of towing of any customer or employee vehicles found in violation of Village parking regulations, including overnight parking.

7. NVA shall indemnify, defend, and hold harmless the Village against any and all claims, liabilities, causes of action costs, expenses and damages of any kind asserted against Village resulting from its leasing and operation of the leased spaces in the Parking Lot.

8. NVA shall maintain general liability, property, personal injury and other insurance covering NVA's use of the Parking Lot on terms and conditions acceptable to Village and will name Village as an additional insured and such other terms as Village's attorney shall require. Prior to occupying the Property, NVA shall send the entire policy to Village for its written approval.

9. The term of the Agreement shall be a minimum of three (3) months from the date of execution after which the Agreement shall run from month-to-month, at the same monthly rate identified herein. Either Party, notwithstanding anything to the contrary elsewhere in this Agreement, may terminate this Agreement upon giving thirty (30) days written notice to the other Party. However, the Village shall not be allowed to terminate this Agreement for the sole purpose of leasing the Parking Lot to another person or entity unless part of a larger development of the Property. The Village shall give NVA written notice of any contract that it executes for the sale or development of the Property, which shall further notify NVA of the close date stated in the contract.

10. This Agreement shall not be modified except by the written consent of both Parties. The recitals set forth in the beginning of this Agreement, and Exhibits attached hereto, are incorporated herein by reference, and shall constitute substantive provisions to this Agreement.

11. Any notice or communication required or permitted to be given under this Agreement to the Village shall be addressed to, and delivered at, the following address:

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

Any notice or communication required or permitted to be given under this Agreement to NVA shall be addressed to, and delivered at, the following address:

NVA RE, LLC
29229 Canwood Street, Suite 100
Agoura Hills, CA 91301
ATTN: Legal Department

WITH A COPY VIA Electronic Mail to: RELegal@nva.com.

[Signatures appear on the following page]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers or managers, as the case may be, on this _____ day of February, 2022.

Village of Glen Ellyn

NVA RE, LLC

By: Mark Franz
Its: Village Manager

By: Eric A. Smith
Its: General Counsel & Secretary

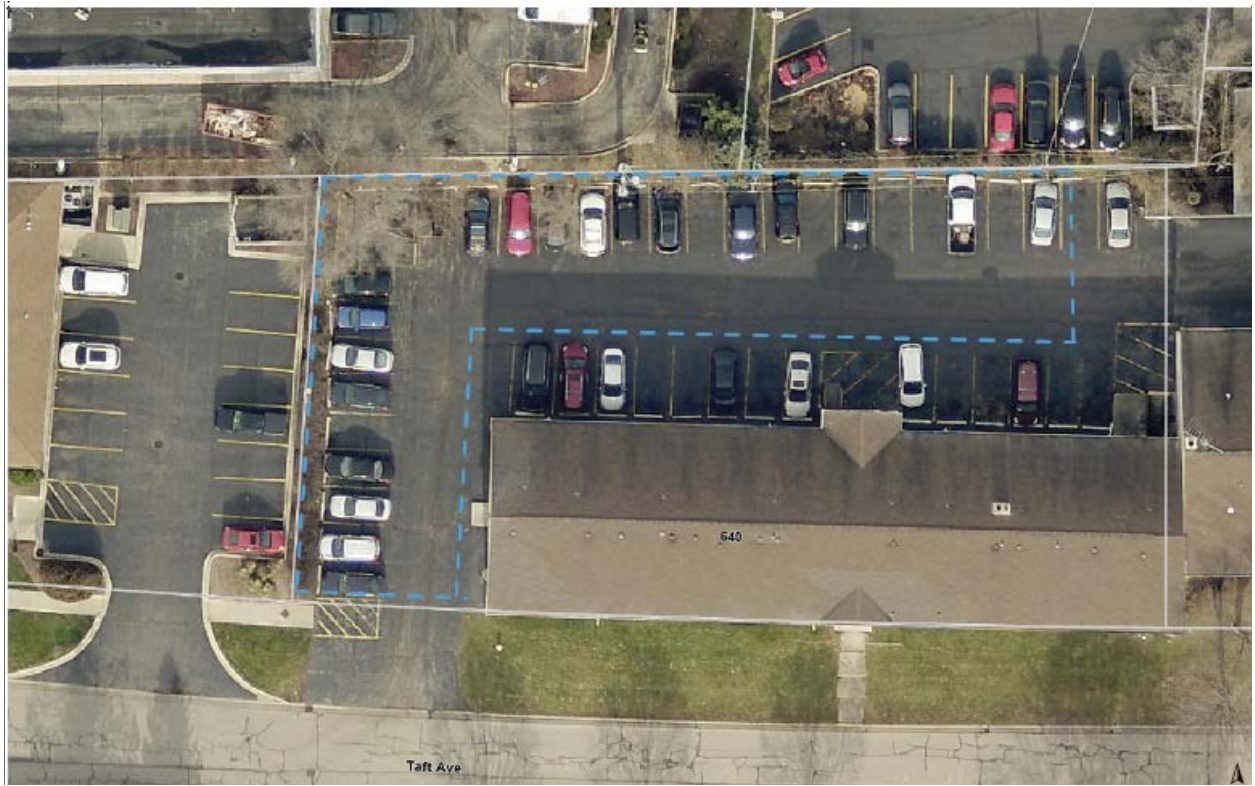
EXHIBIT A

Lots 10 through 21 inclusive, in Block 3, in Roosevelt Hills, being a Subdivision in the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 23, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded November 2, 1928, as Document No. 268777, in DuPage County, Illinois, located in DuPage County, Illinois.

Permanent Index Number: 05-23-200-012

EXHIBIT B

Depiction of Leased Parking Spaces





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

Meeting 2/28/2022 7:00 PM
Department: Village Links
Department Head: Jeff Vesevick
Category: Discussion Item
Prepared By: Noel Allen, Jeff Vesevick

**AGENDA ITEM (ID
2022-1939)**

DOC ID: 2022-1939

Motion to approve Village Links/Reserve 22 to secure Payroc Inc., of Tinley Park, IL, to provide credit card processing services. (General Manager Vesevick)

Statement of the Issue:

The Village Links of Glen Ellyn/Reserve 22 is seeking to change its credit card processor. We intend to find a processor that can provide a more stable environment, maintain adequate inventory of necessary devices to operate our Point of Sale (POS) system, troubleshoot and solve problems more efficiently, and potentially save on fees.

Analysis:

Background

The Village Links of Glen Ellyn/Reserve 22 is seeking to change its credit card processor. We intend to find a processor that can provide a more stable environment, maintain adequate inventory of necessary devices to operate our Point of Sale (POS) system, troubleshoot and solve problems more efficiently, and potentially save on fees. Currently, we use Heartland as a processor with the necessary use of a gateway provided by Shift4 in order to communicate with our POS provider, Club Prophet. Club Prophet is a point of sale provider specializing in the golf and food industry. We do not intend to switch our POS provider. Club Prophet has recommended using Payroc, Inc., as they have created a direct relationship, which means there will not be a gateway (3rd company) necessary to transact business. This also means there will always be certified EMV devices available. Currently, Heartland, Shift4 and Club Prophet do not have any new devices available, and the devices we use are “end of life” and not readily available for replacement. Also, over the past few years, when we experienced a service outage, Village Links staff was forced to determine whose problem was causing the situation. With 3 potential vendors, this slowed the process and made it more difficult to resolve. Using Payroc (Club Prophet’s preferred provider) means Village Links/Reserve 22 staff only phone Club Prophet to report and solve the problem. In addition, Club Prophet is the first and only fully PCI certified vendor in the golf business, and that they dedicate tremendous resources to sustaining a secure environment and coordinating all compliance issues.

Club Prophet has provided us with two additional processors in order to solicit competitive quotes. These processors are able to communicate with Club Prophet and are superior to Heartland and Shift4, but do not maintain the same advantages as Payroc. Switching processing to Payroc will also be a much smoother process due to the working relationship with Club Prophet. Once we receive the EMV devices and connect each unit to the PC, Club Prophet will change a few settings and the process will be complete. With Heartland and Shift4, we experienced multiple days of

troubleshooting in order to get one unit working, and then a few months of custom programming between Heartland, Shift4 and CP to get our receipts to look correct. Also, Shift4 has since doubled their fee for gateway services and potentially charges for any new installs on a per unit basis.

Analysis of credit card processing is very difficult as yearly volume changes as well as the type of cards used which all have different transactional fees. There are too many types of cards and transactions to realistically measure against what is proposed. The Village Links/Reserve 22, with the support of the Village of Glen Ellyn IT department, recommend switching to Payroc, Inc. to provide credit card services. Switching to Payroc to provide credit card processing will have little to no impact on the Recreation Fund budget, but will provide a more stable and secure environment for our guests. In addition, Payroc's proposal shows a larger saving for the Village of Glen Ellyn by combining volume with the Village Links/Reserve 22.

Below is a brief history of annual fees, volume, effective rate and provider for Village Links/Reserve 22. We experienced a savings in year 1 when we originally changed from Club Prophet's previous preferred provider to Heartland/Shift4. We experienced an increase in effective rate the past 2 years.

	2021	2020	2019	2018
CC Processor Fees	Heartland/Shift4	Heartland/Shift4	Heartland/Shift4	ETS (CP preferred provider)
Golf	\$80,072.00	\$65,090.00	\$43,924.00	\$48,035.00
Pro Shop	\$5,546.00	\$3,179.00	\$2,683.00	\$3,065.00
R22	\$64,816.00	\$56,608.00	\$52,972.00	\$47,944.00
Less Stripe Fees	\$3,795.47	\$1,686.98	\$2,744.93	\$420.67
Total Fees	\$146,638.53	\$123,190.02	\$96,834.07	\$98,623.33

Volume	\$5,730,208.23	\$4,930,708.89	\$4,102,762.00	\$3,946,482.00
Effective Rate	0.025590437 (2.56%)	0.024984241 (2.50%)	0.023602166 (2.36%)	0.024990189 (2.50%)

Issues

- Current provider cannot provide new EMV devices
- Multiple vendors makes it difficult and time consuming to resolve problems/outages
- Multiple vendors makes overall pricing less certain, with multiple price points
- Effective Processing Rate has increased the past 2 years

Recommendation

The Village Links of Glen Ellyn/Reserve 22 staff, supported by the Village of Glen Ellyn IT and Finance Department recommend switching credit card processing services to Payroc Inc, of Tinley Park, IL.

Budget Impact:

Action Requested:

Motion to approve the Village Links/Reserve 22 to secure Payroc Inc., of Tinley Park, IL, to provide credit card processing services.

Attachments:

1. CCProcessing2022Motion

Motion to approve the Village Links/Reserve 22 to secure Payroc Inc., of Tinley Park, IL, to provide credit card processing services. (General Manager Vesevick)

Background

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Issues

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Recommendation

The Village Links of Glen Ellyn/Reserve 22 staff, supported by the Village of Glen Ellyn IT and Finance Department recommend switching credit card processing services to Payroc Inc, of Tinley Park, IL.

Action Requested

Motion to approve the Village Links/Reserve 22 to secure Payroc Inc., of Tinley Park, IL, to provide credit card processing services.

Attachments

Proposals



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

Meeting 2/28/2022 7:00 PM
Department: Administration
Department Head: Emily Rodman
Category: Amendment
Prepared By: Meredith Hannah

**AGENDA ITEM (ID
2022-1966)**

DOC ID: 2022-1966

Motion to Authorize the Village Manager to Execute an Amendment to the Sales Tax Incentive Agreement for Two Hound Red (Economic Development Coordinator Hannah)

Statement of the Issue:

Glen Ellyn Brewing LLC, DBA 2 Hound Red, has asked the Village Board to consider an amendment to their sales tax rebate agreement.

Analysis:

During the Village Workshop meeting on Tuesday, February 22, 2022, the Village Board discussed Glen Ellyn Brewing LLC's request to modify their sales tax rebate agreement. On June 12, 2017, the Board approved a \$105,000 sales tax rebate incentive for Glen Ellyn Brewing, LLC. The original agreement stipulates the following:

- Sales tax base of \$15,000 to go to the Village
- Sales tax revenue above \$15,000 would be split 75% to Glen Ellyn Brewing, LLC and 25% to the Village of Glen Ellyn
- Total incentive to Glen Ellyn Brewing, LLC not to exceed \$105,000 or 10 years, whichever occurs first

2 Hound Red opened their doors in August 2019, and to date, due to the pandemic, have not hit the \$15,000 sales tax base benchmark to receive any of their incentive funds. Owners have approached the Village to request lowering the Sales Tax Base from \$15,000 to \$10,000. Based on their current projections, they believe they will begin to receive incentive dollars this year with the lowered base amount. After the Board discussion during the Workshop meeting, staff was directed to draft an amendment to the original agreement to reflect the following:

- Sales tax base of \$10,000 to go to the Village
- Sales tax revenue above \$10,000 would be split 75% to Glen Ellyn Brewing, LLC and 25% to Village of Glen Ellyn.
- Total incentive to Glen Ellyn Brewing, LLC not to exceed \$100,000 or 10 years, whichever occurs first. The 10-year mark will remain at the original date of 10 years from opening their doors, 2029.

The split and term length of the agreement would not change from the original proposal.

These changes impact the following sections of the agreement:

Section 2. Definitions

N. Base Sales Tax Revenue. Base Sales Tax Revenue shall mean Ten Thousand Dollars (\$10,000.00)

Section 3. Economic Incentives

B. The rebate under the Term of the original Agreement commenced as of the January 1, 2018. All payments shall expire upon the earlier of: (i) payment by the Village of the total amount (\$100,000) to be rebated under Section 3.C.; or (ii) ten (10) years (January 1, 2029).

C. Sales Tax Rebate

2. The amount rebated to the Company shall be amended as follows: (a) for the remaining years up to January 1, 2029 – seventy-five percent (75%) of the amount of the Incremental State Sales Tax Revenue with the Village receiving twenty-five percent (25%) in excess of the Base State Sales Tax Revenue (\$10,000) generated by the Company, and received by the Village, as further limited herein. The total amount rebated to the Company shall not exceed One Hundred Thousand Dollars (\$100,000.00) (the “Aggregate Rebate Limit”) during the entire term of this Agreement.

Budget Impact:

The incentive maintains the burden of performance on the business to drive sales in order to receive the sales tax rebate incentive. It does not include the food and beverage sales tax, as the Village established that tax after 2017, when this incentive agreement was approved.

Action Requested:

Approve the Sales Tax Incentive Agreement Amendment with Glen Ellyn Brewing, LLC.

Attachments:

1. 2 Hound Red Incentive Adjustment Request 2022
2. Glen Ellyn Brewing LLC Executed Sales Tax Rebate June 2017
3. Glen Ellyn Brewing Agmt-Amendment-February 2022



12/19/2021

The following is a request for reconsideration of the Redevelopment and Sales Tax Rebate Incentive agreement between the Village of Glen Ellyn and Glen Ellyn Brewing Company (DBA Two Hound Red) from 2017.

The original agreement was that after a base yearly amount of \$ 15,000 was paid to the Village of Glen Ellyn in taxes that 75% of the amount over that would be returned to Glen Ellyn Brewing while the Village of Glen Ellyn retains 25%. The original term of the agreement was 10 years.

This agreement was never put in place however Glen Ellyn Brewing Company has reclaimed the vacate property and created an appealing and productive business in Glen Ellyn. We have real sales numbers now to use in consideration of the Redevelopment and Sales Tax Rebate Incentive agreement.

For the year 2020 our sales were: \$ 777,137

For the year 2021 we expect sales to be around: \$ 900,000

Our forecast/goal for 2022 is to get to sales around \$ 1,300,000 +

We ask that a new agreement is put in place with the following terms:

1. Reduce the base yearly amount to be just \$ 10,000
2. Retain the original agreement that after the base amount is met that 75% would be returned as a rebate to Glen Ellyn Brewing Company
3. Retain the original term of the agreement to be 10 years.

We believe this is a fair agreement for both the Village of Glen Ellyn and Glen Ellyn Brewing Company.

Please let us know of any questions.

Thanks,

Jon With – Managing Partner

Tim Rodine - CFO

**REDEVELOPMENT AND SALES TAX REBATE INCENTIVE AGREEMENT
BY AND BETWEEN THE VILLAGE OF GLEN ELLYN, ILLINOIS AND
GLEN ELLYN BREWING, LLC OF GLEN ELLYN**

THIS DEVELOPMENT AGREEMENT is entered into this 12th day of June 2017, by and between the Village of Glen Ellyn (the "*Village*"), Illinois, an Illinois municipal corporation, and Glen Ellyn Brewing, LLC (the "*Company*"), a corporation of the State of Illinois.

PREAMBLES

WHEREAS, the Village of Glen Ellyn, DuPage County, Illinois, is a home rule municipality pursuant to the Illinois Constitution of 1970 and the laws of this State;

WHEREAS, the Village has the statutory power granted to it, along with the powers of a home rule municipality, to regulate for the protection of the public health, safety, morals and welfare of its residents and pursuant thereto, has the power to encourage private development and redevelopment in order to enhance the local tax base, create employment opportunities and to enter into contractual agreements with private parties in order to achieve these goals;

WHEREAS, intends to locate open a brewery and restaurant in the Village (the "*Restaurant*") located at property commonly known as 486 Pennsylvania Avenue and legally described on *Exhibit A* (attached hereto and made a part hereof (the "*Subject Property*") which the Restaurant has chosen to open their business;

WHEREAS, the building on the property has remained vacant for a period of at least five years, generating no sales taxes;

WHEREAS, the Company is willing to renovate and remodel the facility at the Subject Property in order to enhance the appearance and meet their business needs with a goal

toward increasing sales and expanding job opportunities;

WHEREAS, the President and Board of Trustees of the Village (the "*Corporate Authorities*") are authorized to enter into economic incentive agreements and share or rebate a portion of the retailers' occupation taxes, ("*Sales Taxes*"), generated by the Company's operations;

WHEREAS, the Company will submit plans and specifications for the renovation of the Subject Property (the "*Project*") and will complete the Project in accordance with all applicable Village ordinances (collectively, the "*Legal Requirements*") as necessary; and

WHEREAS, the Corporate Authorities have reviewed the projected costs of construction and operation of the subject development, a copy of which is attached hereto as Exhibit B, and have determined that the provision by the Village to the Company of the assistance hereinafter described and the renovation by the Company of the Subject Property pursuant to this Agreement are necessary to make the project viable and in the best interests of the Village and its residents and taxpayers, thereby helping to provide for economic development and job opportunities for the inhabitants of the Village, enhance the tax base of the Village and other taxing districts and add to the welfare and prosperity of the Village and its inhabitants.

NOW, THEREFORE, the parties, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, agree as follows:

Section 1. Incorporation of Recitals.

The Parties agree that all of the recitals contained in the foregoing Preambles are true and correct and are hereby incorporated into this Agreement as though they were fully set forth

in this Section 1.

Section 2. Definitions

- A. **Agreement.** This Economic Incentive Agreement.
- B. **Audit.** The Village may undertake, at the sole cost and expense of the Village, a review of the books and records of the Company, as hereinafter defined by the Financial Consultant for the purpose of making a determination of the amount of Sales Tax the Village should have received under the terms of this Agreement and for the purpose of verifying the Company is in compliance with the terms of this Agreement.
- C. **Financial Consultant.** The person, firm or corporation and agents thereof authorized by the Village to conduct an Audit of the Business regarding all transactions occurring during any given Sales Tax Year following the date of this Agreement.
- D. **Gross Receipts.** The term "Gross Receipts" shall have the same meaning as that which is ascribed to it in the Retailers' Occupation Tax Act.
- E. **Home Rule Sales Tax.** The current one percent (1%) sales tax imposed in the Village pursuant to Village's Home Rule Sales Tax Ordinance No. 2004-16 enacted in accordance with the Home Rule Municipal Retailers' Occupation Tax Act (65 ILCS 5/8-11-1) and the Home Rule Municipal Service Occupation Tax Act (65 ILCS 5/8-11-5). Pursuant to the Home Rule Municipal Retailers' Occupation Tax Act, said tax shall not be imposed upon an item of tangible personal property titled or registered with an agency of the State of Illinois and certain other tax exempt entities.

- F. **Incremental Sales Tax Revenue.** This includes Municipal Sales Tax and Home Rule Sales Tax, but does not include any increase to the Home Rule Sales Tax rate that may be approved by the Village Board subsequent to this agreement.
- G. **Municipal Sales Tax.** That portion or component of the Sales Tax generated by the Business that the Village actually receives from the State of Illinois.
- H. **Municipal Sales Tax Payment.** The payment to the Company of a portion of the Municipal Sales Tax that the Village is required to make pursuant to Section 3 of this Agreement.
- I. **Payment Date.** Within forty-five (45) days after the Company provides documentation of taxes paid for the previous year.
- J. **Retailer's Occupation Tax Act.** The Illinois Retailers' Occupation Tax Act, 35 ILCS 120/1 *et seq.*, as the same has been, and may, from time to time hereafter, be amended.
- K. **Sales Tax(es).** Any and all taxes imposed and collected by the State of Illinois.
- L. **Sales Tax Year.** Each year, beginning on January 1st, which commences after all of the Improvements have been put in place and inspected and certified to have been completed by the Village as specified in Section 3(B).
- M. **Service Occupation Tax Act.** The Illinois Service Occupation Tax Act, 35 ILCS 115/1 *et seq.*, as the same has been, and may, from time to time hereafter, be amended.
- N. **Base Sales Tax Revenue.** Base Sales Tax Revenue shall mean Fifteen Thousand Dollars (\$15,000.00).

Section 3. Economic Incentives

- A. It is understood by the parties and declared by the Village that the relocation and remodeling by the Company will generate a substantial level of Incremental Sales Tax Revenue. The Company represents, warrants and covenants that the Company will comply in all respects with Retailers' Occupation Tax Act, as amended (35 ILCS 120/1 *et seq.* (2010)).
- B. The rebate under the Term of this Agreement shall commence as of the January 1, 2018, provided that the Owner has received all governmental approvals required, opened for business and all improvements are completed and inspected by the Village, and found to have been built in accordance with the plans. All payments shall expire upon the earlier of: (i) payment by the Village of the total amount (\$105,000) to be rebated under Section 3.C.; or (ii) ten (10) years.
- C. Sales Tax Rebate
 - 1. The Village shall rebate a portion of the Incremental State Sales Tax Revenue it receives based on the Company's sales on an annual basis, with payment due within forty-five (45) days after the Company provides documentation of taxes paid for the previous year.
 - 2. The amount rebated to the Company shall be as follows: (a) for years 1 through 10 of this Agreement – seventy-five percent (75%) of the amount of the Incremental State Sales Tax Revenue with the Village receiving twenty-five percent (25%) in excess of the Base State Sales Tax Revenue (\$15,000) generated by the Company, and received by the Village, as further limited herein. The total amount rebated to the Company shall not exceed One Hundred Five Thousand Dollars (\$105,000.00)

(the "Aggregate Rebate Limit") during the entire term of this Agreement.

Section 4. Sales Tax Reports

A. The obligation to provide sales tax information to the Village is the Company's responsibility. Within forty-five (45) days after the end of each Sales Tax Year Period, Company shall provide the Village with a statement, accompanied by certified monthly Illinois Department of Revenue returns (ST-1 and/or ST-2), requesting reimbursement pursuant to Section 3 of this Agreement. Company shall also maintain and have available for inspection by the Village copies of any and all Retailers' Occupation Tax returns, Sales Tax reports, amendments, proofs of payment or any other Sales Tax Revenue information filed by Company with the State of Illinois or other appropriate governmental entity, which documents will be made available to the Village for purposes of identifying Sales Tax Revenue collected pursuant to this Agreement. Such documents shall be sent to the attention of the Village Manager of the Village. To the extent permitted by law, the Village shall maintain the confidentiality of the information contained in such reports. In addition, prior to any payments to the Company pursuant to this Agreement, the Company shall provide, or cause the Village to be provided with properly executed authorizations to the State of Illinois granting the Village the right to access the Sales Tax records of the Company. The Company acknowledges and agrees that the provisions of this Agreement shall be a matter of public record, as shall any and all payments made by the Village to the Company pursuant to this Agreement. The Company further covenants and agrees that upon the request of the Village, the Company shall furnish or cause to be furnished such consents

or waivers as may reasonably be required by the Local Tax Allocation Division of the Illinois Department of Revenue, including but not limited to, a Consent to Disclosure Statement in form and content satisfactory to the State and the Village, in order to release the above-described Sales Tax information to the Village. The Company agrees and acknowledges that any disbursements of the Village made pursuant to this Agreement can only be made from and to the extent of the data submitted to the State of Illinois in accordance with this Section.

- B. In the event that any returns or documentation from the Illinois Department of Revenue are delayed, then the Village may request and the Company shall furnish the Village with executed copies of the monthly returns filed with the Illinois Department of Revenue for the operations of the Company at the Property. Whenever the Village deems it necessary to the fulfillment of this Agreement, the Village shall have the right to conduct an audit of the books and records of the sales, returns and payments of Sales Tax relating to the operation of the Company at the Property, upon the giving to the Company reasonable notice, at reasonable times and with payment carried out as set forth in the definition of the word Audit in Section 2.

Section 5. Reimbursement Mechanism

The Village shall remit in full to the Company, or its designee, the pro rata share of the Incremental Sales Tax Revenue to which the Company is entitled as determined in Section 3.C., *supra*. The Village shall be liable to the Company for disbursement of monies hereunder only to the extent of the Sales Tax Revenue generated by the Company by virtue of the Development and actually received by the Village from the Illinois Department of Revenue or other applicable

governmental agency or body. Any payments due the Company pursuant to this Agreement shall be reduced by an amount equal to all collection fees imposed upon the Village by the State of Illinois or the Illinois Department of Revenue or other applicable governmental agency or body, for collection of Sales Tax Revenue generated by the Development.

Section 6. Term of the Agreement

Unless earlier terminated pursuant to Section 14, the term of this agreement shall commence on the date of execution and end on January 1, 2029 which includes final payment for 2028 calendar year.

Section 7. Assignment

This Agreement may be assigned by the Company with the prior written consent of the Village, which consent shall not be unreasonably withheld. Upon approval by the Village to a successor, assignee, Company shall be released from this Agreement notwithstanding anything to the contrary in the foregoing except for its obligations under Section 3-D.

Section 8. Company Indemnification

The Company shall indemnify and hold harmless the Village, its agents, officers and employees against all injuries, deaths, losses, damages, claims, suits, liabilities, judgments, costs and expenses (including any liabilities, judgments, costs and expenses and reasonable attorney's fees) which may arise directly or indirectly pertaining to the Subject Property from the failure of the Company or any contractor, subcontractor or agent or employee thereof (so long as such contractor, subcontractor or agent or employee thereof is hired by the

Company) to timely pay any contractor, subcontractor, laborer or material man; from any default or breach of the terms of this Agreement by the Company; or, from any negligence or reckless or willful misconduct of the Company or any contractor, subcontractor or agent or employee thereof (so long as such contractor, subcontractor or agent or employee is hired by the Company). The Company shall, at its own cost and expense, appear, defend and pay all reasonable charges of attorneys, costs and other expenses arising there from or incurred in connection therewith. If any judgment shall be rendered against the Village, its agents, officers, officials or employees in any such action, the Company shall have no obligation whatsoever, with respect to any acts of negligence or reckless or willful misconduct on the part of the Village or any of its officers, agents, employees or contractors.

Section 9. Waiver

Any party to this Agreement may elect to waive any remedy it may enjoy hereunder, provided that no such waiver shall be deemed to exist unless the party waiving such right or remedy does so in writing. No such waiver shall obligate such party to waive any right or remedy hereunder, or shall be deemed to constitute a waiver of other rights and remedies provided said party pursuant to this Agreement.

Section 10. Severability

If any section, subsection, term or provision of this Agreement or the application thereof to any party or circumstance shall, to any extent, be invalid or unenforceable, the remainder of said section, subsection, term or provision of this Agreement or the application of same to parties or circumstances other than those to which it is held invalid or

unenforceable, shall not be affected thereby.

Section 11. Notices

All notices, demands, requests, consents, approvals or other instruments required or permitted by this Agreement shall be in writing and shall be executed by the party or an officer, agent or attorney of the party, and shall be deemed to have been effective as of the date of actual delivery, if delivered personally, or as of the third (3rd) day from and including the date of posting, if mailed by registered or certified mail, return receipt requested, with postage prepaid, addressed as follows, but with the parties being able to substitute in writing substitutions, from time-to-time:

To the Company:

Glen Ellyn Brewing, LLC
486 Pennsylvania Avenue
Glen Ellyn, Illinois 60137
Attention:
Jon With &
John Lindstrom

With a copy to:

To the Village:

Village Manager
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, Illinois 60137

Section 12. No Joint Venture, Agency or Partnership Created

Neither anything in this Agreement nor any acts of the parties to this Agreement shall be construed by the parties or any third person to create the relationship of a partnership, agency, or joint venture between or among such parties.

Section 13. Governing Law

This Agreement shall be taken and deemed to have been fully executed, made by the parties, in and governed by the laws of the State of Illinois for all purposes and intents.

Section 14. Remedies – Liability

- A. If, in the Village's judgment, the Company is in material default of this Agreement, the Village shall provide the Company with a written statement indicating any failure on the Company's part to fulfill its obligations under this Agreement. Except as required to protect against further damages, the Village may not exercise any remedies against the Company in connection with such failure until sixty (60) days after giving such written notice. If such default cannot be cured within such sixty (60) day period, such sixty (60) days period shall be extended for such time as is reasonably necessary for the curing of the same, so long as the Company diligently proceeds with such cure; if such default is cured within such extended period, the default shall not be deemed to constitute a breach of this Agreement. A default not cured as provided above shall constitute a breach of this Agreement. Any failure or delay by the Village in asserting any of its rights or remedies as to any default or alleged default or breach shall not operate as a waiver of any such default or breach of any rights or remedies it may have as a result of such default or breach.
- B. If the Company materially fails to fulfill its obligations under this Agreement after notice is given by the Village and any cure periods described in paragraph 14.A above have expired, the Village may elect to exercise any right or remedy it may have at law or in equity, including the right to specifically enforce the terms

and conditions of this Agreement.

- C. If, in the Company's judgment, the Village is in material default of this Agreement, the Company shall provide the Village with a written statement indicating in adequate detail any failure on the Village's part to fulfill its obligations under this Agreement. The Company may not exercise any remedies against the Village in connection with such failure until sixty (60) days after giving such notice. If such default cannot be cured within such sixty (60) day period, such sixty (60) day period shall be extended for such time as is reasonably necessary for the curing of the same, so long as the Village diligently proceeds with such cure; if such default is cured within such extended period, the default shall not be deemed to constitute a breach of this Agreement. Any failure or delay by the Company in asserting any of its rights or remedies as to any default or any alleged default or breach shall not operate as a waiver of any such default or breach of any rights or remedies it may have as a result of such default or breach.
- D. In addition to any other rights or remedies, a party may institute legal action against the other party to cure, correct or remedy any default, or to obtain any other remedy consistent with the purpose of this Agreement, either at law or in equity, including, but not limited to the equitable remedy of an action for specific performance; provided, however, no recourse under or upon any obligation contained herein or for any claim based thereon shall be had against the Village, its officers, agents, attorneys, representatives or employees in any amount or in excess of any specific sum agreed to be paid

by the Village hereunder, and no liability, right or claim at law or in equity shall be attached to or incurred by the Village, its officers, agents, attorneys, representatives or employees in any amount in excess of any specific sums agreed by the Village to be paid hereunder and any such claim is hereby expressly waived and released as a condition of and as consideration for the execution of this Agreement by the Village. Notwithstanding the foregoing, in the event either party shall institute legal action against the other party because of a breach of any agreement or obligation contained in this Agreement, the prevailing party shall be entitled to recover all costs and expenses, including reasonable attorneys' fees, incurred in connection with such action.

- E. The rights and remedies of the parties are cumulative and the exercise by a party of one or more of such rights or remedies shall not preclude the exercise by it, at the same time or different times, of any other rights or remedies for the same default or for any other default by the other party. This Agreement shall be interpreted and enforced in accordance with the laws of the State of Illinois. Any legal proceedings shall be commenced in the Circuit Court of DuPage County.

Section 15. Force Majeure

Performance by any party hereunder shall not be deemed to be in default where delays or defaults are due to war, insurrection, strikes, lockouts, riots, floods, earthquakes, fires, casualties, acts of God, acts of the public enemy, epidemics, quarantine restrictions, freight embargoes or lack of transportations. An extension of time for any such cause

shall be for the period of the delay, which period shall commence to run from the time of the commencement of the cause, provided that written notice by the party claiming such extension is sent to the other party not more than thirty (30) days after the commencement of the cause or not more than thirty (30) days after the party claiming such extensions could have first reasonably recognize the commencement of the cause, whichever is later.

Section 16. Amendment

This Agreement, and any exhibits attached to this Agreement, may be amended only in a writing signed by all parties with the adoption of any ordinance or resolution of the Village approving said amendment, as provided by law, and by execution of said amendment by the parties or their successors in interest. Except as otherwise expressly provided herein, this Agreement supersedes all prior agreements, negotiations and discussions relative to the subject matter hereof.

Section 17. Counterparts

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers on the above date at Glen Ellyn, Illinois.

Village of Glen Ellyn, an Illinois Municipal Corporation

By: _____
Village President

Jon With, Glen Ellyn Brewing, LLC,

By: _____
Co-Owner

John Lindstrom, Glen Ellyn Brewing, LLC

By: _____
Co-Owner

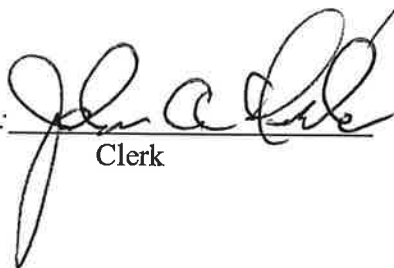
Attest: _____
Clerk

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

LOT 39 IN BLOCK 17 OF THE COUNTY CLERK'S SECOND ASSESSMENT DIVISION, IN GLEN ELLYN, IN SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 3, 1906 AS DOCUMENT 88052, IN DUPAGE COUNTY, ILLINOIS.

EXHIBIT B

All of the Improvements Shown On Exhibit "B" Must Be Completed And Approved As Being In Compliance With This Exhibit And Village Ordinances For The Commence Date To Be Triggered. Those Improvements Are:

- Water Service/Disconnect
- Sewer Lining
- Electric Service Upgrade
- Fire Suppression System

**AMENDMENT TO REDEVELOPMENT AND SALES TAX REBATE INCENTIVE
AGREEMENT
BY AND BETWEEN THE VILLAGE OF GLEN ELLYN, ILLINOIS AND
GLEN ELLYN BREWING, LLC OF GLEN ELLYN**

THIS DEVELOPMENT AGREEMENT AMENDMENT is entered into this ____ day of February 2022, by and between the Village of Glen Ellyn (the "*Village*"), Illinois, an Illinois municipal corporation, and Glen Ellyn Brewing, LLC (the "*Company*"), a corporation of the State of Illinois.

PREAMBLES

WHEREAS, the Village of Glen Ellyn, DuPage County, Illinois, is a home rule municipality pursuant to the Illinois Constitution of 1970 and the laws of this State;

WHEREAS, the Village has the statutory power granted to it, along with the powers of a home rule municipality, to regulate for the protection of the public health, safety, morals and welfare of its residents and pursuant thereto, has the power to encourage private development and redevelopment in order to enhance the local tax base, create employment opportunities and to enter into contractual agreements with private parties in order to achieve these goals;

WHEREAS, opened a brewery and restaurant in the Village (the "*Restaurant*") located at property commonly known as 486 Pennsylvania Avenue and legally described on *Exhibit A* (attached hereto and made a part hereof (the "*Subject Property*") which the Restaurant has chosen to operate its business;

WHEREAS, the Restaurant has been operating for almost four years while generating minimal sales taxes;

WHEREAS, the Company has requested the Village to amend the original sales tax

rebate agreement to reflect actual reduced sales tax revenues caused, in part, by the pandemic, to meet their business needs with a goal toward increasing sales and expanding job opportunities;

WHEREAS, the President and Board of Trustees of the Village (the "*Corporate Authorities*") are authorized to enter into economic incentive agreements and share or rebate a portion of the retailers' occupation taxes, ("*Sales Taxes*"), generated by the Company's operations;

WHEREAS, the Corporate Authorities have reviewed the costs of construction and operation of the Restaurant, and revenues generated since the start of operation of the Restaurant, and have determined that an amendment to the provision by the Village to the Company of the assistance previously described, to make the Restaurant viable is in the best interests of the Village and its residents and taxpayers, thereby helping to provide for economic development and job opportunities for the inhabitants of the Village, enhancing the tax base of the Village and other taxing districts and adding to the welfare and prosperity of the Village and its inhabitants.

WHEREAS, the Corporate Authorities have reviewed the Agreement and have decided to modify the terms of the original Sales Tax Rebate Incentive Agreement.

NOW, THEREFORE, the parties, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, agree to the following changes to the original Sales Tax Rebate Incentive Agreement, executed June 12, 2017, as follows:

Section 2. Definitions

N. Base Sales Tax Revenue. Base Sales Tax Revenue shall mean Ten Thousand Dollars (\$10,000.00)

Section 3. Economic Incentives

B. The rebate under the Term of the original Sales Tax Rebate Incentive Agreement commenced as of the January 1, 2018. All payments shall expire upon the earlier of: (i) payment by the Village of the total amount (\$100,000) to be rebated under Section 3.C.; or (ii) ten (10) years (January 1, 2029).

C. Sales Tax Rebate

2. The amount rebated to the Company shall be amended as follows: (a) for the remaining years, up to January 1, 2029 – seventy-five percent (75%) of the amount of the Incremental State Sales Tax Revenue with the Village receiving twenty-five percent (25%) in excess of the Base State Sales Tax Revenue (\$10,000) generated by the Company, and received by the Village, as further limited herein. The total amount rebated to the Company shall not exceed One Hundred Thousand Dollars (\$100,000.00) (the “Aggregate Rebate Limit”) during the entire term of this Amended Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers on the above date at Glen Ellyn, Illinois.

Village of Glen Ellyn, an Illinois Municipal Corporation

By: _____
Village President

Jon With, Glen Ellyn Brewing, LLC,

By: _____
Co-Owner

Tim Rodine, Glen Ellyn Brewing, LLC

By: _____
Co-Owner

Attest: _____
Clerk

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

LOT 39 IN BLOCK 17 OF THE COUNTY CLERK'S SECOND ASSESSMENT DIVISION, IN GLEN ELLYN, IN SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 3, 1906 AS DOCUMENT 88052, IN DUPAGE COUNTY, ILLINOIS.



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

Meeting 2/28/2022 7:00 PM
Department: Administration
Department Head: Emily Rodman
Category: Other
Prepared By: Meredith Hannah

AGENDA ITEM (ID
2022-1968)

DOC ID: 2022-1968

Motion to Provide Assistance to the Alliance of Downtown Glen Ellyn in the Amount of \$10,000 to be expensed to the ARPA Fund (Economic Development Coordinator Hannah)

(Under the Treasury guidelines related to ARPA Funds, the Village claims the standard revenue loss deduction of up to \$10M and this expense qualifies as an acceptable expense under that deduction.)

Statement of the Issue:

The Alliance of Downtown Glen Ellyn has requested \$10,000 to assist with a loss of revenue over the past two years due to the COVID-19 pandemic.

Analysis:

During the February 22, 2022 Village Board Workshop, the Board discussed an additional financial contribution to the Alliance of Downtown Glen Ellyn due to membership shortfalls over the past two years.

Presently, the Village's agreement with the Alliance provides \$71,250 annually as well as an additional \$5,000 specifically for Jazz Up. The attached agreement outlines the services and events the Alliance provides. The Alliance submitted a letter requesting an additional \$10,000 for 2022.

The Alliance experienced a loss of revenue due to memberships being down during 2020 and 2021.

- 2020 Loss in Revenue of \$15,000
- 2021 Loss in Revenue of \$5,000

The \$10,000 request does not reflect their total revenue loss over the last two years; however, events were also reduced during these two years, so this amount will assist with backfilling their financial gap.

Budget Impact:

The Village Board approved \$125,000 in the 2022 Budget to provide financial support to business organizations negatively impacted by the COVID-19 pandemic. This request could be supported with these funds.

Action Requested:

Approve \$10,000 to the Alliance of Downtown Glen Ellyn.

Attachments:

1. Request for ARPA funds for Alliance of Downtown Glen Ellyn
2. Alliance Agreement 2022 Executed

January 24, 2022

Request for ARPA funds for Alliance of Downtown Glen Ellyn

COVID had a direct impact on the Alliance's revenue for 2020 and 2021. Memberships were down significantly. The decline in membership and resulting decline in revenue from dues during the pandemic has strained our ability to run events. We have made accommodations but these in turn are not sustainable nor desirable as we move forward. In order to get back on our pre-pandemic footing we need funds to cover the losses. We request \$10,000 to offset this loss in revenue.

2020 and 2021 Alliance Memberships:

2020: Alliance budgeted \$22,500 (75 members) and Actual Membership was \$7500 (25 members @ \$300/membership) – this reflects a \$15,000 loss in revenue.

2021: Alliance membership revenue was \$10,364 (41 members @ \$250/membership) – this reflected \$5000 loss in membership as we had budgeted for 60 members due to the uncertainty of COVID.

We thank the Village of Glen Ellyn for their consideration of ARPA funds to increase the success of our organization to drive dollars spent for our Downtown businesses.

Respectfully, The Alliance of Downtown Glen Ellyn Board of Directors

Village of Glen Ellyn and Alliance of Downtown Glen Ellyn Calendar Year 2022 Agreement

The Village of Glen Ellyn, Illinois, hereby agrees to support the Alliance of Downtown Glen Ellyn in the amount of \$71,250, for the Calendar Year 2022. The goal of the Alliance of Downtown Glen Ellyn program is to assist in the coordination of Glen Ellyn's downtown revitalization efforts including: assisting in business recruitment activities, conducting special events to drive traffic to downtown businesses and communicating assets of the downtown. In addition, the Village provides \$5,000 to the Alliance to specifically support *Jazz Up Glen Ellyn*. As such, the Village of Glen Ellyn will receive all 2022 Benefactor Sponsor benefits and will be included in all marketing materials for events as a sponsor. At a minimum, sponsor benefits will include:

1. The Village listed on all Alliance event print materials as a presenting sponsor (tent cards, posters, kiosk posters, paid advertising, bag stuffers printed newsletter campaigns)
2. The Village's logo and ad space in event programs/handouts (Village can use this for various purposes throughout the year and promote the "Experience Glen Ellyn" campaign or downtown development projects, such as Streetscape)
3. Website exposure on downtownglenellyn.com,
4. Highlighted in Shopper's Newsletter with option for additional ad space
5. Social media exposure on Facebook, Twitter, email campaigns, Instagram, etc., where appropriate

As part of its activities, Alliance of Downtown Glen Ellyn will, on an annual basis, serve as primary sponsor/organizer of at least five (5) special events intended to bring shoppers into downtown businesses for which the Village will waive special event application fees, conduct at least one (1) site visit with each downtown retailer or restaurant (Alliance Member and Non-Alliance Members), and strive to work with property owners, as a complement to the Village's Economic Development Coordinator lead, to fill empty spaces with appropriate and compatible businesses. Other services provided by Alliance of Downtown Glen Ellyn on an on-going and "as requested" basis are listed in the Appendix attached.

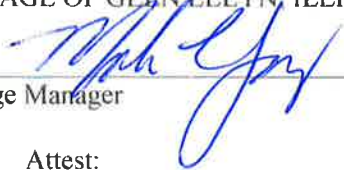
It is agreed to by the Village of Glen Ellyn that this is the second year of a two-year agreement for \$22,000 per year between the Alliance of Downtown Glen Ellyn and Smith Brothers for downtown nighttime sidewalk snow removal and the Village agrees to reimburse the Alliance the full amount of the remaining agreement. In addition, for larger daytime snow occurrences, the Village may approve an additional \$1,400 for daytime sidewalk snow removal in conjunction with Public Works snow removal efforts. The Alliance is required to submit a copy of the agreement between the Alliance and Snow Removal Company and to provide a copy of the selected Snow Removal Company's valid certificate of liability insurance, indicating the Village is an additional insured under the policy for the snow removal operations, to receive the funding under this paragraph.

Alliance of Downtown Glen Ellyn will, monthly, provide a written report to the Glen Ellyn Village Board on its progress in achieving its objectives. In addition, the Alliance Executive Director will present each quarterly report to the Village Board during a regularly scheduled Village Board meeting in March, June, September, and December. This presentation will include data from recent events including but not limited to business sales receipt updates driven from events, event attendance, marketing efforts/results and social media statistics.

The Village President *may* appoint one member to serve as an ex-officio member of Alliance of Downtown Glen Ellyn Board of Directors. A Village staff representative will also serve as an ex-officio member of Alliance of Downtown Glen Ellyn Board of Directors to help ensure communication and compliance. The term of this contract is for a period of the Village's Calendar Year 2022, commencing

on January 1, 2022, and ending on December 31, 2022. Payment of the contract shall be in four installments of \$19,062.50 on March 31, 2022; June 30, 2022; September 30, 2022 and December 30, 2022. The Alliance shall provide a quarterly written report outlining expenses and metrics for the quarter's events as well as an invoice to the Village for the payment.

VILLAGE OF GLEN ELLYN, ILLINOIS

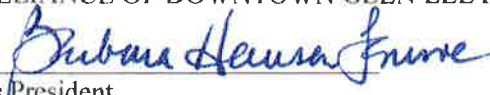

Village Manager

12/21/21
Date

Attest:


Village Clerk

ALLIANCE OF DOWNTOWN GLEN ELLYN


Its President

12/17/21
Date

Attest:

Its Secretary

Responsibilities of Alliance of Downtown Glen Ellyn

Conduct Special Events

- Conduct Special Events that capitalize on the five strengths of the downtown as identified in the Downtown Organization Recommendation Report, including gifts, dining & entertainment, salons & spas, fashion and holidays. Events *may* include Ladies Night Out, Jazz Up, Indoor Sidewalk Sale, Sounds on the Street and other events as determined by the Alliance Board of Directors;
- Events should boost awareness of Downtown Glen Ellyn and drive business traffic and can include partnered events with the Village of Glen Ellyn and Chamber of Commerce and/or other community organizations.

Promotion of Downtown Glen Ellyn

- Assist the Village in promoting downtown as a destination for shopping, dining and entertainment
- Assist the Village in promoting downtown living to support businesses and add to the vibrancy and vitality of the downtown
- Assist the Village in promoting downtown parking opportunities
- Assist the Village in communicating Village Board discussion and decisions that impact downtown business
- Disseminate information regarding downtown events and programs and work with the media to promote downtown
- Produce monthly Shoppers Club newsletter for opt in public subscribers and produce monthly Alliance Member News for all Alliance Members
- Provide general communication to all downtown businesses regarding upcoming events, and downtown news
- Produce an annual report recapping accomplishments, initiatives, and financials and present to the Village Board no later than the end of March of each calendar year
- Continue to maintain and enhance www.downtownglenellyn.com with an emphasis on downtown events, and downtown businesses
- Utilize social media tools to strengthen Alliance on-line presence with increased content and consistency
- Coordinate “Open Banner” Program
- Keep kiosk directories updated and maintained in good condition
- Encourage business owners to maintain & beautify properties

Business Recruitment & Retention & Support

- Build relationships and networks with downtown business, residents and property owners
- Promote downtown as a desirable location for business
- Be a strong advocate for downtown businesses
- Focus on business retention by partnering and working with retailers
- Act as a resource for real estate agents and new/expanding businesses on information on vacant properties and on downtown Glen Ellyn as a place to do business
- Assist prospective and incoming businesses with information and marketing as requested by businesses

- Partner with the Village of Glen Ellyn on commercial real estate broker events to attract business opportunities
- Assist Village with communication with downtown business community on upcoming construction projects
- Cooperate with other groups, such as the Library, Chamber, Innovation DuPage, Small Business Development Center, the Village, that provide educational seminars and networking events for businesses and property owners

Administrative

- Provide materials and information on Alliance events and initiatives to the Village for marketing campaigns and advise downtown businesses with implementing strategies
- Where possible, leverage Glen Ellyn community and organizations in downtown projects and programs
- Coordinate snow removal on downtown sidewalks
- Hold monthly board meetings
- Hold monthly membership meetings which are a vehicle for communication, input and periodic educational opportunities
- Meet or exceed budget targets including management of Alliance member dues collection and other revenue and expense management
- Provide monthly written reports to the Board via the Village Manager's Office
- Provide a written quarterly report to the Board via the Village Manager's Office
- Provide four (4) quarterly in person updates to Village Board



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

Meeting 2/28/2022 7:00 PM
Department: Administration
Department Head: Emily Rodman
Category: Other
Prepared By: Meredith Hannah

**AGENDA ITEM (ID
2022-1967)**

DOC ID: 2022-1967

Motion to Provide the Glen Ellyn Chamber of Commerce \$45,000 to Retire a Construction Loan, to be Expensed to the ARPA Fund (Economic Development Coordinator Hannah)

(Under the Treasury guidelines related to ARPA Funds, the Village claims the standard revenue loss deduction of up to \$10M and this expense qualifies as an acceptable expense under that deduction.)

Statement of the Issue:

The Glen Ellyn Chamber of Commerce is requesting funds to pay off a construction loan impacted by the COVID-19 pandemic.

Analysis:

During the February 22, 2022 Village Board Workshop, the Board discussed providing two financial requests for the Glen Ellyn Chamber of Commerce. This is the first request. The second request will be brought to the Board for consideration in March.

The Chamber has requested \$45,000 to cover the outstanding balance on the Chamber's Wheaton Bank & Trust loan. The Chamber initially took the loan to support necessary improvements to the 810 N. Main Street building owned by the Village but maintained and leased by the Chamber. Due to the COVID-19 pandemic, the Chamber restructured their bank loan to reduce the required monthly payments but extended the life of the loan. Paying off this loan will eliminate a monthly payment of \$1,215.

Budget Impact:

The Village Board approved \$125,000 from ARPA funds in the 2022 Budget to provide financial support to business organizations negatively impacted by the COVID-19 pandemic. This year's request could be supported with these funds on a one-time basis. Future funding requests will be presented to the Board during the annual budget process.

Action Requested:

Approve \$45,000 to be paid to the Glen Ellyn Chamber of Commerce to retire a construction loan.

Attachments:

1. Glen Ellyn Chamber of Commerce Loan Assistance Request

"Connecting Business With The Greater Community"



Mr. Mark Senak
President, Village of Glen Ellyn
535 Duane Street
Glen Ellyn, IL 60137

Dear Mr. Senak:

The Glen Ellyn Chamber of Commerce would like to formally request funds from the Village's American Rescue Plan allocation. The Chamber currently has a loan from Glen Ellyn Bank & Trust, the proceeds of which were used to renovate the building at 810 North Main Street, Glen Ellyn. This is a building occupied by the Chamber, but owned by the Village. The loan was restructured in the fall of 2020 to reduce the required payment, by stretching the loan period an additional five years. The restructuring was necessary due to the Chamber's pandemic-related loss of income from canceled fundraising events. The monthly payment due on the loan is \$1215, for an annual outlay by the Chamber of \$14,580.

The current balance on the loan is \$46,935 (February 9, 2022). The Chamber is requesting the amount of \$45,000 to be used to retire the loan and thus eliminate this line item from our annual budget. Eliminating this expense allows the Chamber to allocate the \$14,580 to other areas, such as increased payroll and other operating expenses.

Documentation from Glen Ellyn Bank & Trust will be provided as to the current balance due on the loan.

The Glen Ellyn Chamber thanks you, and the Village Board of Trustees, for your consideration of our request.

JP LaCour
President

810 N. Main Street ~ Glen Ellyn Illinois 60137-3910 ~ Office: 630-469-0907 ~ Fax: 630-469-0426
www.GlenEllynChamber.com

WHEATON BANK AND TRUST CO, N.A.
LOAN DEPARTMENT/(630)690-1800
9801 W HIGGINS RD SUITE 400
ROSEMONT, IL 60018

Page 1 of 1

LOAN STATEMENT

GLEN ELLYN CHAMBER OF COMMERCE
 810 N MAIN ST
 GLEN ELLYN IL 60137-3910

Account Number	
Note	00001
Statement Date	02/09/22
Officer	JOHN HUGHES
Branch Number	003
Current Balance	\$46,935.66
Payment Due Date	02/25/22
Amount Due	\$1,215.42

Your Account Number [REDACTED] Will Be Charged
Call 630-690-1800 with questions on your bill.

SUMMARY					
Note/Category	Current Balance	Interest Rate	Maturity Date	Description	Amount Due
00001/C	46,935.66	4.250000	09/25/25	Principal Payment	1,044.18
				Interest To 02/25/22	171.24
				Total Due On 02/25/22	\$1,215.42

YEAR-TO-DATE SUMMARY			
Interest Paid	175.49	Escrow Interest Paid	0.00
Unapplied Funds	0.00	Escrow Balance	0.00
Taxes Disbursed	0.00		

Please return the bottom portion if you are making an additional loan payment.

GLEN ELLYN CHAMBER OF COMMERCE
 810 N MAIN ST
 GLEN ELLYN IL 60137-3910

X _____
 Signature required for all changes

A late fee of \$60.77 will be imposed if payment is not received by 03/07/22.

687

Please remit and make check payable to:

Account Number	[REDACTED]
Note Number	00001
Payment Due Date	02/25/22
Amount Due	\$1,215.42
Additional Prin, Int, Escrow, Fees:	
Amount Enclosed	

WHEATON BANK & TRUST CO, N.A.
 100 N. WHEATON AVENUE
 WHEATON IL 60187

☐ Check here for change of address or phone number and indicate changes.



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

Meeting 2/28/2022 7:00 PM
Department: System Administrator
Department Head: Deputy Chief Vavra
Category: Purchase
Prepared By: Commander Andrew Downey

AGENDA ITEM (ID
2022-1952)

DOC ID: 2022-1952

Motion to Authorize the Village Manager to Execute a Contract with Axon Enterprises of Scottsdale, Arizona in the amount of \$383,560.03 for the Purchase of Body Cameras and Squad Car Cameras to be expensed to the General Fund and Drug Forfeiture Fund (Police Chief Norton)

Statement of the Issue:

In light of recent widely publicized incidents, law enforcement has been greatly scrutinized on a national level. The public's perception of the police has become increasingly skeptical, with many feeling that their trust and confidence has been broken. The Glen Ellyn Police Department has always taken pride in the relationship between the public and the police and recognize the need to maintain this relationship built on trust and integrity. In addition, law enforcement officials are facing new challenges and obstacles with the upcoming requirements set forth in House Bill 3653, commonly referred to as the SAFE-T Act. While body cameras are not required for the Village under this new legislation until January 1, 2025, the Glen Ellyn Police Department immediately began planning for this inevitable purchase and implementation. Also, the existing squad car camera systems are beyond their life expectancy and are in need of replacement. The most cost-effective solution for the Village is to bundle the body camera and in-car camera purchases.

For this reason, we are seeking approval to purchase body cameras and replace our in-car camera system. It is very typical to utilize body camera and squad car camera systems that are compatible and integrated with each other for the most effective functionality. The quotes contained within this document reflect both of these components. On page seven of this memo, you will find a recommendation to purchase Axon body cameras and squad camera system.

Analysis:

VENDOR BACKGROUND:

In April of 2021, we had the opportunity to listen to multiple presentations from each company where various staff members were able to attend including IT Director Chiappetta. Throughout this process, we communicated frequently with the three sales representatives of the aforementioned companies. The initial WatchGuard sales representative, Daniel Freveletti, was the least responsive, often not responding until a second email was sent. The initial quote did not contain all the information we had requested, and therefore we received a second, higher quote. Since that time, we were assigned a different sales rep, Daniel O'Shea. In reviewing WatchGuard's body camera system, it became apparent that the technology was subpar compared to BodyWorn and Axon, and their

evidence management system was not as developed/refined as the other two companies. The BodyWorn representative, John Watson, was receptive and informative but while BodyWorn is well established in Indiana, they are not as commonly used in the Illinois region. Axon's representative, Rachel Leinson, was very responsive and helpful, and often took the initiative to set up additional Zoom meetings to review quotes and features.

FEEDBACK:

We solicited input from many departments in the area that utilize WatchGuard, BodyWorn, or Axon. The following summarizes the feedback we received for each company.

WatchGuard: A recurring complaint about WatchGuard was poor customer service, inconsistent quotes with unexpected price increases, and poor video quality compared to other vendors.

Another agency stated WatchGuard had a two-step server upload process that ultimately required local IT hardware/maintenance.

BodyWorn: As of early 2021, Quincy PD was one of the only departments in Illinois using BodyWorn cameras. They described BodyWorn as a great system with outstanding tech support and customer service. It is a highly configurable system that can be tailored to each Police Department's needs. They did find it necessary for officers to change the battery during their 12-hour shifts. They also found that a sim card needed to be used in each camera through ATT for live GPS features at a cost of \$6 per month per unit. Overall, Quincy PD was very satisfied with BodyWorn and would recommend them. Several agencies in the area conducted a trial with BodyWorn, and some felt Axon's back-end system was more user friendly for officers. Others liked the concealment of the camera, however this feature requires a lot of uniform alterations. Other departments steered away from BodyWorn due to their high costs.

Axon: Axon is the most widely used vendor in the Illinois region. Nearly every department I spoke with commented on the excellent customer service and tech support offered by Axon. The video was described as "superior" quality. One agency reported a camera that was damaged in water during a physical altercation, and Axon honored the warranty and replaced the camera for free. There were no issues with functionality or durability of the equipment. One criticism was the redaction system was very time consuming and did not work as well as they had hoped. It still required someone to review the footage to ensure accuracy.

WHEATON POLICE DEPARTMENT TRIAL:

The Wheaton Police Department researched and conducted a trial with the same three vendors: WatchGuard, BodyWorn, and Axon. Below is the feedback they received from those participating in the trial:

WatchGuard: Wheaton officers were familiar with WatchGuard's products, as they already used WatchGuard squad cameras. WatchGuard was the final camera that was trialed, and the general consensus was WatchGuard's software and hardware were better than BodyWorn but far inferior to Axon. The video and audio quality were average, though the nighttime footage was lower quality. Officers reported difficulties logging in to the case management system and felt it was not a user-friendly system. Downloading footage was reported to be a time-consuming process, often causing unsuccessful DVD transfers due to oversized files. While officers appreciated the spare battery for the cameras, it took longer than expected to reboot the camera after a battery replacement. The majority of officers also did not like the method of manual activations, stating it caused numerous

accidental activations. The magnet mounts provided by WatchGuard were strong and reliable, but officers would have appreciated more mounting options to accommodate different gear set ups. Records personnel found the redaction process arduous, time consuming, and not user friendly. Wheaton PD spoke with Bloomingdale, Woodridge, and Mount Prospect Police Departments to gain further insight. All said the quality of the audio and video were strengths for WatchGuard. However, the redaction software was a significant disadvantage, with some calling it “awful” and a “disaster.” One agency reported taking four hours to redact less than one minute of footage. Bloomingdale’s IT analyst reported a noticeable decline in hardware reliability and customer support. Only Woodridge PD stated they would recommend the product to another agency.

BodyWorn: The officers and supervisors who participated in the BodyWorn trial period overwhelmingly disapproved of the software and hardware. The audio and video quality were rated very low, with complaints about the narrow field of vision. Officers felt it did not accurately display the officer’s perception at the time of the footage, with valuable footage being omitted. Other times officers discovered the audio recorded by the video was non-existent because the camera was not seated properly, or it was completely obstructed by the uniform. Often, the officers could be heard clearly but responses from others on scene were diminished quality and volume. The battery life was not sufficient for the shift, sometimes draining to 10-15% on a call that lasted more than an hour. The camera would also get hot during longer calls which made the officers uncomfortable. The “officer down” feature proved to be inconvenient, as the camera would activate every time an officer would bend down. The evidence management system was found to be confusing, time consuming, and tedious. Overall, the officers felt the negative attributes of the BodyWorn camera drastically outweighed the positives. Records personnel reported the redaction software to be disappointing and not user friendly. The audio redaction tool did not work properly, and they were unable to blur license plates or people during nighttime footage. When staff called technical support, they did not receive a call back but were instead referred to PDF files that were unhelpful. Wheaton PD spoke with three agencies in Indiana that were using BodyWorn products, and it should be noted that none of the three were using the redaction software and therefore could not provide any feedback on that feature. The agencies reported mixed reviews. One agency appreciated the policy-based activation feature and immediate video offloads. Two of the agencies did not report any issues with customer service, while the third said the service was “questionable.”

Axon: The officers and supervisors who participated in the Axon body camera trial period strongly approved of the software and hardware. The quality of the audio and video were rated the highest, not only picking up the officer’s voice but other parties as well. The wide-angle lens more accurately mimicked the officer’s perception while on scene. The evidence management system was considered to be Axon’s most significant advantage. The layout is simple and easy to navigate, and there was no difficulty accessing, sharing, or viewing footage. One slight issue was the battery life of the camera not lasting through an entire 12-hour shift. Officers were required to charge the battery in their squad or at the station while on break/lunch. While this was seen as an inconvenience, officers did state the battery charged quickly. Most officers noticed that the battery could in fact last the entire shift on days of low call volume. During the trial period, officers had no need to contact customer service for support. Records personnel rated the redaction software favorably and considered it to be the best product out of the three tested. Though the process was reported to be slightly time consuming, the customer service and training materials were outstanding. The system offered clear, hand-on training, easy to access videos, and assistance from “short cut keys.” All officers, supervisors, and records staff recommended implementing Axon body cameras, largely due to the high quality of the cameras and the ease of the evidence management system.

GLEN ELLYN POLICE DEPARTMENT AXON TRIAL:

I made arrangements for the Department to complete a trial with the Axon body cameras. The trial began 2/19/21 and was completed 4/12/21. Four officers were assigned to wear the body cameras during their shifts. Evidence Custodian Bill Bruno was given access to Evidence.com to familiarize himself with the system. During the trial period, officers wore several of the different mounts and had no issues with cameras falling off. All officers felt confident that the cameras were securely mounted. Officers were able to download Axon apps on the district phones which allowed them to easily categorize and add incident numbers to events immediately after clearing a call. The other option is to complete this process at the end of the shift by going through each event for the day.

The feedback I received from the officers was overwhelmingly positive. All agreed the user functionality is straight forward, the design is simplistic, and the app on the phone was convenient and efficient. The quality of the video/audio is very good, and overall, they felt having the body cameras was beneficial. The officers recognize the system will be even more streamlined if/when the squads are equipped with Axon cameras.

Bill Bruno had more experience with the back end of the Axon system. Bill spent a great deal of time researching the Evidence.com system, and even went to several departments to observe the way they utilize the system. He learned that all officers need to enter a specific number for saving video files, which has the potential to lead to human error. Bill appreciated all the features in the system and the ability to store anything digital, videos, photos, pdf files, etc. In addition, these files can be shared easily with the Village Prosecuting Attorney and Assistant State's Attorneys without downloading or burning anything to DVDs or Blu-Rays. With everything being stored in the cloud through Evidence.com, there is less physical evidence stored in the property room. This system allows the Evidence Custodian to better manage his time and address other demands. Axon also offers a service called Citizen Evidence in which a citizen may upload video to a web link provided by the officer, and it is stored in Evidence.com. The officers did not have an opportunity to utilize this feature during the trial period.

A key factor analyzed was the amount of time and personnel required to effectively manage these evidence systems and process the redaction of audio and video. Both the BodyWorn and Watchguard systems appear to require the greatest amount of time processing these files. With these two systems, there is the potential that additional staff may be needed to effectively manage the redaction process. Based upon our research and testing, Axon appears to be a more efficient system. Agencies reported an average redaction time of a single event at approximately three hours.

Based on the information collected, the interaction with the company representatives, costs, features, system compatibility and efficiency it was clear that Axon was the most compatible company for the Department. In addition, Axon is the dominant vendor of body camera and squad car camera systems in DuPage County. The Department elected not to schedule an equipment test of the BodyWorn and WatchGuard equipment based on the outlined factors.

QUOTES:

The following is a summary of the quotes provided by each vendor. An effort was made to keep the quotes as consistent with one another as possible. All the quotes reflect a total of 48 body cameras, 12 squad cars, and any additional necessary licenses. The following features are included in the quotes, with an asterisk indicating the features that are optional, and they may be removed if

desired. Currently, there are no Federal or State grant opportunities available for funding. It should be noted that previous grants have required the purchase and implementation of the camera equipment prior to reimbursement.

Budget Impact:

COST:

	Axon	BodyWorn	WatchGuard/Motorola
Body Cameras Only	\$242,598.44	\$269,000	\$181,077
Squad Cameras Only	\$136,281.59	\$248,000	\$210,450
Body & Dash Cameras	\$378,880.03	\$509,000	\$310,167
Contract Term	5 Years	5 Years	5 Years
Body Camera Refresh	3 years	39 months	3 years
Monthly Payments	Can negotiate	Can negotiate	Yes
Quarterly Payments	Can negotiate	Can negotiate	Yes
Yearly Payments	Yes	Yes	Yes
Other Notes	Can adjust initial payment, squad camera payment due after shipment	40% Due Upon Signing of Contract	Can adjust initial amount paid
Availability	BWC-90 days Car-10 months	5-8 weeks	10-14 weeks

FEATURES:

	Axon	BodyWorn	WatchGuard/Motorola
License Plate Readers*	✓	✓	✓ (90-day trial, then charged)
CAD Integration*	✓	✓ Included in base price	✓
Auto-Tagging*	✓	✓ Included in base price	
Unlimited Cloud Storage	✓	✓	✓
Evidence Management System	✓	✓	✓
Extra Batteries			✓
Rapid Recharge	✓	✓	
Camera Mount	Various Options	Concealed	Limited Options
Docking Stations	✓		✓
Redaction Software	✓ (Basic)	✓	✓
Camera Activation	Manual	Policy based activation	Manual
Gun holster sensor*	✓	✓ Included in base price	✓

Taser holster sensor*	✓	✓	✓
Record After the Fact			✓
Officer Down Alerting		✓	
Multi-Use Camera		✓	

Action Requested:

Based on the above research and evaluation the recommendation is made to purchase Axon body cameras along with the Axon in-car system. The Department has long carried Axon tasers and has had a positive experience with the product and the company. Feedback from many agencies indicate an overwhelming positive response, with customer service being at the forefront. With the ease of its use coupled with the sophisticated technology, the product certainly meets our standards and offers a solution to some of the challenges facing the Department.

IT Justin Chiappetta was present for all three product demonstrations and offered technical support during the trial period. After the demonstrations, trial, and additional meetings, Justin Chiappetta recommended using Axon's body cameras and squad car cameras. The police department agrees with his recommendation to use Axon's products.

Attachments:

1. Executive Summary
2. AXON BWC ONLY
3. AXON SQUAD CAMS ONLY
4. BODYWORN BWC AND SQUAD
5. BODYWORN BWC ONLY
6. BODYWORN SQUAD CAMS
7. WATCHGUARD BWC AND SQUAD
8. WATCHGUARD BWC ONLY
9. WATCHGUARD SQUAD CAM ONLY

GLEN ELLYN POLICE DEPARTMENT

MEMORANDUM

TO: Deputy Chief Kurt Vavra
FROM: Commander Andrew Downey
DATE: February 10, 2022
SUBJECT: **Executive Summary: Body Camera and Squad Car Camera Proposal**

This memorandum is being presented to provide a summary of findings and recommendations outlined the Body Camera and Squad Car Camera Proposal memorandum.

In 2021, the Glen Ellyn Police Department began proactively researching, testing, and evaluating various companies that could meet the needs of the Department regarding body worn and in-car cameras. Body worn cameras by police officers have become the expectation of communities and municipalities throughout the country to ensure transparency, trust, and accountability. In addition, House Bill 3653, commonly referred to as the SAFE-T Act, will require police departments to implement body camera systems by January 1, 2025. Furthermore, the Department's existing squad camera system is beyond its life expectancy and needs replacement. The most cost-effective solution for the Village is to bundle the body camera and in-car camera purchases.

The companies Axon, BodyWorn and WatchGuard, were selected for research and evaluation. Each of these companies are dominant vendors in the industry. To evaluate these companies, demonstrations were presented by their sales representatives, feedback was solicited from Departments utilizing their equipment and software, and quotes were obtained for feature and cost comparison. Through this process the Department elected to test and evaluate Axon's system, which is also the most prevalent vendor in DuPage County. IT Director Chiappetta was also able to evaluate all three companies and provide input and recommendations.

It is the Department's opinion that Axon's products best meet the needs for body worn and squad cameras. We are seeking permission to sign a contract with Axon for both the body camera and squad camera systems. We anticipate the cost for both systems combined is approximately \$378,880.03. We anticipate that an additional license or two will be needed which will increase the total cost. These additional licenses will allow administrative police staff use of the redaction software which is needed for internal investigations. The anticipated final costs for both systems and an additional two licenses is approximately \$383,560.03.



Axon Enterprise, Inc.
17800 N 85th St.
Scottsdale, Arizona 85255
United States
VAT: 86-0741227
Domestic: (800) 978-2737
International: +1.800.978.2737

Q-366001-44595.958RL

Issued: 02/03/2022



Quote Expiration: 02/01/2022

EST Contract Start Date: 03/01/2022

Account Number: 198482

Payment Terms: N30

Delivery Method: Fedex - Ground

SHIP TO		BILL TO	
Business;Delivery;Invoice-65 S Park Blvd 65 S Park Blvd Glen Ellyn, IL 60137-6228 USA		Glen Ellyn Police Dept. - IL 65 S Park Blvd Glen Ellyn, IL 60137-6228 USA Email:	
SALES REPRESENTATIVE		PRIMARY CONTACT	
Rachel Leinson Phone: rleinson@axon.com Email: rleinson@axon.com Fax:		Norah Rabatah Phone: (630) 547-5470 Email: nrabatah@glenellyn.org Fax:	

Program Length	60 Months
TOTAL COST	\$242,598.44
ESTIMATED TOTAL W/ TAX	\$242,598.44
Bundle Savings	\$45,519.61
Additional Savings	\$24,092.15
TOTAL SAVINGS	\$69,611.76

PAYMENT PLAN	
PLAN NAME	INVOICE DATE
Year 1	Feb, 2022
Year 2	Feb, 2023
Year 3	Feb, 2024
Year 4	Feb, 2025
Year 5	Feb, 2026
AMOUNT DUE	
\$48,519.68	
\$48,519.69	
\$48,519.69	
\$48,519.69	
\$48,519.69	

BILLED ON FULFILLMENT		
PLAN NAME	INVOICE DATE	AMOUNT DUE
None	As Fulfilled	\$0.00

Quote Details

Bundle Summary			
Item	Description	QTY	QTY
AB3C	AB3 Camera Bundle		47
AB3MBD	AB3 Multi Bay Dock Bundle		6
BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle		6
BWCamTAP	Body Worn Camera TAP Bundle		47
BasicLicense	Basic License Bundle		40
ProLicense	Pro License Bundle		5
DynamicBundle	Dynamic Bundle		1

Bundle: Dynamic Bundle Quantity: 1 Start: 3/1/2022 End: 2/28/2027 Total: 63232.05 USD						
Category	Item	Description	QTY	List Unit Price	Net Unit Price	Total(USD)
Other	70116	SPPM, SIGNAL CONNECTED BATTERY PACK, X2/X26P	45	\$121.76	\$121.76	\$5,479.20
Other	71044	BATTERY, SIGNAL SIDEARM, CR2430 SINGLE PACK	90	\$1.00	\$0.00	\$0.00
Other	75015	SIGNAL SIDEARM KIT	45	\$249.00	\$249.00	\$11,205.00
Other	73682	AUTO TAGGING LICENSE	45	\$9.00	\$9.00	\$24,300.00
Other	73478	REDACTION ASSISTANT USER LICENSE	45	\$9.00	\$1.13	\$3,047.85
Other	79999	AUTO TAGGING / PERFORMANCE IMPLEMENTATION SERVICE	1	\$0.00	\$0.00	\$0.00
Other	85144	AXON STARTER	1	\$2,750.00	\$0.00	\$0.00
Other	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE-	800	\$0.40	\$0.40	\$19,200.00

Bundle: AB3 Camera Bundle Quantity: 47 Start: 3/1/2022 End: 2/28/2027 Total: 32853 USD						
Category	Item	Description	QTY	List Unit Price	Net Unit Price	Total(USD)
Camera	73202	AXON BODY 3 - NA10 - US - BLK - RAPIDLOCK	47	\$699.00	\$699.00	\$32,853.00

Spare Camera	73202	AXON BODY 3 - NA10 - US - BLK - RAPIDLOCK	1	\$0.00	\$0.00	\$0.00
Camera Mount	11507	MOLLE MOUNT, SINGLE, AXON RAPIDLOCK	52	\$0.00	\$0.00	\$0.00
USB	11534	USB-C to USB-A CABLE FOR AB3 OR FLEX 2	52	\$0.00	\$0.00	\$0.00

Bundle: AB3 Multi Bay Dock Bundle Quantity: 6 Start: 3/1/2022 End: 2/28/2027 Total: 9233.4 USD						
Category	Item	Description	QTY	List Unit Price	Net Unit Price	Total(USD)
Dock	74210	AXON BODY 3 - 8 BAY DOCK	6	\$1,495.00	\$1,495.00	\$8,970.00
	71019	NORTH AMER POWER CORD FOR AB3 8-BAY, AB2 1-BAY / 6-BAY DOCK	6	\$0.00	\$0.00	\$0.00
Wall Mount	70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK	6	\$43.90	\$43.90	\$263.40

Bundle: Body Worn Camera Multi-Bay Dock TAP Bundle Quantity: 6 Start: 3/1/2022 End: 2/28/2027 Total: 10619.99 USD						
Category	Item	Description	QTY	List Unit Price	Net Unit Price	Total(USD)
Dock Warranty	80465	EXT WARRANTY, MULTI-BAY DOCK (TAP)	6	\$21.00	\$8.16	\$2,937.69
Multi-Bay Dock Refresh 1	73689	MULTI-BAY BWC DOCK 1ST REFRESH	6	\$1,610.00	\$625.62	\$3,753.72
Multi-Bay Dock Refresh 2	73688	MULTI-BAY BWC DOCK 2ND REFRESH	6	\$1,685.00	\$654.76	\$3,928.58

Bundle: Body Worn Camera TAP Bundle Quantity: 47 Start: 3/1/2022 End: 2/28/2027 Total: 78960 USD						
Category	Item	Description	QTY	List Unit Price	Net Unit Price	Total(USD)
Camera Warranty	80464	EXT WARRANTY, CAMERA (TAP)	47	\$11.67	\$8.55	\$24,111.87
Camera Refresh 1 with Spares	73309	AXON CAMERA REFRESH ONE	48	\$755.00	\$553.17	\$26,552.11
Camera Refresh 2 with Spares	73310	AXON CAMERA REFRESH TWO	48	\$790.00	\$578.81	\$27,783.00
Spare Camera Warranty	80464	EXT WARRANTY, CAMERA (TAP)	1	\$11.67	\$8.55	\$513.02

Bundle: Basic License Bundle Quantity: 40 Start: 3/1/2022 End: 2/28/2027 Total: 36000 USD						
Category	Item	Description	QTY	List Unit Price	Net Unit Price	Total(USD)
E.com License	73840	EVIDENCE.COM BASIC LICENSE	40	\$15.00	\$15.00	\$36,000.00
A La Carte Storage	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE-	40	\$0.00	\$0.00	\$0.00

Bundle: Pro License Bundle Quantity: 5 Start: 3/1/2022 End: 2/28/2027 Total: 11700 USD						
Category	Item	Description	QTY	List Unit Price	Net Unit Price	Total(USD)
3 Q-366001-44595.958RL						

E.com License	73746	PROFESSIONAL EVIDENCE.COM LICENSE (Formerly SKU 73746)	5	\$39.00	\$39.00	\$11,700.00
A La Carte Storage	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE-	15	\$0.00	\$0.00	\$0.00

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at www.axon.com/legal/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

Signature

Date Signed

2/3/2022



Axon Enterprise, Inc.
17800 N 85th St.
Scottsdale, Arizona 85255
United States
VAT: 86-0741227
Domestic: (800) 978-2737
International: +1.800.978.2737

Q-365409-44595.961RL

Issued: 02/03/2022



Quote Expiration: 10/15/2022

EST Contract Start Date: 11/01/2022

Account Number: 198482

Payment Terms: N30

Delivery Method: Fedex - Ground

SHIP TO		BILL TO	
Business;Delivery;Invoice-65 S Park Blvd	Janet Terranova	GLEN ELLYN POLICE DEPT. 535 DUANE ST. Glen Ellyn, IL 60137 US	Email:
Glen Ellyn, IL 60137-6228 USA			

SALES REPRESENTATIVE		PRIMARY CONTACT	
Rachel Leinson	Janet Terranova	Phone: (630) 469-1187	
Email: rleinson@axon.com		Email: jterranova@glenellyn.org	
Fax:		Fax:	

Program Length	60 Months
TOTAL COST	\$136,281.59
ESTIMATED TOTAL W/ TAX	\$136,281.59

Bundle Savings	\$34,704.47
Additional Savings	\$13,478.42
TOTAL SAVINGS	\$48,182.89

PAYMENT PLAN	
PLAN NAME	INVOICE DATE
Year 1	Oct, 2022
Year 2	Oct, 2023
Year 3	Oct, 2024
Year 4	Oct, 2025
Year 5	Oct, 2026
	AMOUNT DUE
	\$30,663.38
	\$30,663.36
	\$30,663.36
	\$30,663.36
	\$30,663.36

Quote Details

Bundle Summary

Item	Description	QTY	Total(USD)
Fleet3A	Fleet 3 Advanced	12	

Bundle: Fleet 3 Advanced **Quantity: 12** **Start: 11/1/2022** **End: 10/31/2027** **Total: 136281.59 USD**

Category	Item	Description	QTY	List Unit Price	Net Unit Price	Total(USD)
Storage	80410	FLEET, EVIDENCE LICENSE, 1 CAMERA STORAGE, LICENSE	24	\$17.00	\$12.56	\$18,085.72
E.com License	80400	FLEET, VEHICLE LICENSE, LICENSE	12	\$20.00	\$14.78	\$10,638.66
ALPR License	80401	FLEET 3, ALPR LICENSE, 1 CAMERA, LICENSE	12	\$49.00	\$36.20	\$26,064.72
Respond License	80402	RESPOND DEVICE LICENSE - FLEET 3 - LICENSE	12	\$15.00	\$11.08	\$7,979.00
Camera Kit & Warranty	72036	FLEET 3 STANDARD 2 CAMERA KIT	12	\$2,405.00	\$1,776.80	\$21,321.65
SIM	72034	FLEET SIM INSERTION, VZW	12	\$15.00	\$11.08	\$132.98
Router	11634	CRADLEPOINT IBR900-1200M-B-NPS+5YR NETCLOUD	12	\$1,249.00	\$922.76	\$11,073.07
Router Antenna	71200	FLEET ANT, AIRGAIN, 5-IN-1, 2LTE, 2WIFI, 1GNSS, BL	12	\$249.00	\$183.96	\$2,207.52
Ethernet Cable	74110	FLEET ETHERNET CABLE, CAT6, 25 FT	12	\$25.00	\$18.47	\$221.64
Vehicle Installation	73391	FLEET 3 NEW INSTALLATION (PER VEHICLE)	12	\$1,200.00	\$886.56	\$10,638.66
Camera Refresh	72040	FLEET REFRESH, 2 CAMERA KIT	12	\$2,710.00	\$2,002.14	\$24,025.64
Other	80495	EXT WARRANTY, FLEET 3, 2 CAMERA KIT	12	\$8.96	\$6.62	\$3,892.33

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Signature

Date Signed

2/3/2022



Glen Ellyn IL PD

Glen Ellyn Police Department

65 S Park Blvd

Glen Ellyn, IL 60137

United States

Kurt Vavra

Deputy Chief

kvavra@glenellyn.org

Reference: 20220201-195020139

Quote created: February 1, 2022

Quote expires: March 31, 2022

Quote created by: Mark Osborn

Business Manager

mosborn@utility.com

+1 (470) 391-6440

Janet Terranova

Sergeant

jterranova@glenellyn.org

630-469-1187

Comments from Mark Osborn

Utility is honored the Glen Ellyn, IL Police Department has chosen the Utility BodyWorn solution for its officers. We Look forward to partnering with you to serve the Glen Ellyn community. Please accept this professional services agreement and proposal for review and consideration.

*The below items will service 48 Officers with 48 BWC's, 45 CEW Holster Sensor kits, 12 Police Vehicles with RocketIoT Communications, 12 in-car video systems, 12 ALPR units, CAD Integration and Activation.

**The value on this quote covers all 5 years of the service agreement.

Products & Services

Item & Description	SKU	Quantity	Unit Price	Total
CEW Holster Sensor Kit Holster Sensor for CEW Devices.	BWH-H-4001	45	\$300.00	\$13,500.00 for 5 years
BodyWorn w/ Rocket IoT Communications, In-Car Video & ALPR Bundle BodyWorn Camera and Mount, Holster Sensor, CAD Activation, Media Controller, Rocket IoT In- Car Video System Hardware Bundle, ALPR Hardware Bundle, Battery Backup, Ruggedized Tablet Display, OBD 2, AVAIL Web SaaS, Warranty, and 24/7 Technical Support.	BWA-H/S-4005	11	\$26,790.00	\$294,690.00 for 5 years

CAD Integration Integration, via replication services, with CAD system for automatic classification of BodyWorn generated video.	CAD-I-4001	1	\$15,000.00	\$15,000.00 for 5 years
BodyWorn Bundle BodyWorn Camera and Mount, Holster Sensor, Media Controller, CAD Activation, AVAIL Web SaaS, Warranty, and 24/7 Technical Support, Installation, Training.	BW-H/S-4005	36	\$7,220.00	\$259,920.00 for 5 years
BodyWorn w/ Rocket IoT Communications and In-Car Video Bundle BodyWorn Camera and Mount, Holster Sensor, CAD Activation, Media Controller, Rocket IoT In-Car Video System Hardware Bundle, Battery Backup, OBD 2, AVAIL Web SaaS, Warranty, and 24/7 Technical Support.	BWI-H/S-4005	1	\$15,730.00	\$15,730.00 for 5 years
ALPR (ICV Upgrade) Complete ALPR System to Supplement Current ICV System, Two (2) External Vehicle Mount Cameras, AVAIL Web SaaS, Warranty, and 24/7 Technical Support, Installation, Training.	ALPR-H/S-4005 ICV Upgrade	1	\$11,200.00	\$11,200.00 for 5 years
Subtotals				
One-time subtotal				\$610,040.00
Other Fees				
Added ALPR Customer Bonus 1 for 10				-\$11,200.00
Marquee Customer Discount				-\$89,840.00
			Total	\$509,000.00

Purchase terms

40% required upon signature. Remaining balance will be split in equal anual payments for years 2-5.

Payment upon signing of Offer Letter \$203,600.00
year 2 anniversary \$76,350.00
year 3 anniversary \$76,350.00
year 4 anniversary \$76,350.00
year 5 anniversary \$76,350.00

Signature

Signature

Date

Printed name

Questions? Contact me



Mark Osborn
Business Manager
mosborn@utility.com
+1 (470) 391-6440

Utility Associates, Inc.
250 E. Ponce de Leon Ave, Suite 700
Decatur, GA 30030
US



Glen Ellyn IL PD

Glen Ellyn Police Department

65 S Park Blvd

Glen Ellyn, IL 60137

United States

Kurt Vavra

Deputy Chief

kvavra@glenellyn.org

Reference: 20220201-193940852

Quote created: February 1, 2022

Quote expires: March 31, 2022

Quote created by: Mark Osborn

Business Manager

mosborn@utility.com

+1 (470) 391-6440

Janet Terranova

Sergeant

jterranova@glenellyn.org

630-469-1187

Comments from Mark Osborn

Utility is honored the Glen Ellyn, IL Police Department has chosen the Utility BodyWorn solution for its officers. We Look forward to partnering with you to serve the Glen Ellyn community. Please accept this professional services agreement and proposal for review and consideration.

*The below items will service 48 Officers with 48 BWC's and 45 CEW Holster Sensor Kits.

** No CAD Activation

***The value on this quote covers all 5 years of the service agreement.

Products & Services

Item & Description	SKU	Quantity	Unit Price	Total
CEW Holster Sensor Kit Holster Sensor for CEW Devices.	BWH-H-4001	45	\$300.00	\$13,500.00 for 5 years
BodyWorn Bundle BodyWorn Camera and Mount, Holster Sensor, Media Controller, AVaiL Web SaaS, Warranty, and 24/7 Technical Support, Installation, Training.	BW-H/S-4005	48	\$7,220.00	\$346,560.00 for 5 years

Subtotals

One-time subtotal	\$360,060.00
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Other Fees

Marquee Customer Discount	-\$91,060.00
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Total	\$269,000.00
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Purchase Terms

40 % required upon signaure. Remaining balance split ove years 2-5 in equal anual payments.

Due upon signature of Offer Letter \$107,600.00
year 2 Anniversary date \$40,350.00
year 3 Anniversary date \$40,350.00
year 4 Anniversary date \$40,350.00
year 5 Anniversary date \$40,350.00

Signature

Signature

Date

Printed name

Questions? Contact me



Mark Osborn
Business Manager
mosborn@utility.com
+1 (470) 391-6440

Unity Associates, Inc.

250 E. Ponce de Leon Ave, Suite 700

Decatur, GA 30030

US



Glen Ellyn, IL PD

Glen Ellyn Police Department
65 S Park Blvd
Glen Ellyn, IL 60137
United States

Kurt Vavra
Deputy Chief
kvavra@glenellyn.org

Reference: 20220201-191746734

Quote created: February 1, 2022

Quote expires: March 31, 2022

Quote created by: Mark Osborn

Business Manager

mosborn@utility.com

+1 (470) 391-6440

Janet Terranova

Sergeant

jterranova@glenellyn.org

630-469-1187

Comments from Mark Osborn

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*The below items will service 12 Police Vehicles with RocketIoT Communications, 12 In-car video and 12 ALPR systems.

**The value on this quote covers all 5 years of the service agreement.

Products & Services

Item & Description	SKU	Quantity	Unit Price	Total
Rocket IoT Communications and In-Car Video Bundle In Car Video System with Rocket IoT High Speed Mobile Data Communications, BodyWorn Microphone, Battery Backup, Media Controller, OBD 2, AVaiL Web SaaS, Warranty, and 24/7 Technical Support, Installation, Training.	IOTVID-H/S-4005	12	\$13,130.00	\$157,560.00 for 5 years
ALPR (ICV Upgrade) Complete ALPR System to Supplement Current ICV System, Two (2) External Vehicle Mount Cameras, AVaiL Web SaaS,	ALPR-H/S-4005 ICV Upgrade	12	\$11,200.00	\$134,400.00 for 5 years

Tablet Interface	TAB-H-4001	12	\$1,010.00	\$12,120.00
Ruggedized Tablet Display				for 5 years

Subtotals

One-time subtotal				\$304,080.00
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Other Fees

Added ALPR Customer Bonus 1 for 10				-\$12,200.00
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Marquee Customer Discount				-\$43,880.00
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Total \$248,000.00

Purchase Terms

40% required upon signature. Remaining balance in equal annual years 2-5.
Due upon signature of Offer Letter \$99,200.00
year 2 Anniversary date \$37,200.00
year 3 Anniversary date \$37,200.00
year 4 Anniversary date \$37,200.00
year 5 Anniversary date \$37,200.00

Signature

Signature

Date

Printed name



Mark Osborn

Business Manager

mosborn@utility.com

+1 (470) 391-6440

Utility Associates, Inc.

250 E. Ponce de Leon Ave, Suite 700

Decatur, GA 30030

US



MOTOROLA SOLUTIONS

Quote For:

Glen Ellyn Police Department

Attn: Janet Terranova

Reference:

(12)M500 (36)V300 VAAS LPR

Quote By:

WatchGuard Video / Motorola Solutions

Danny O'Shea

Date: 02-03-22

Serving Law Enforcement with the Most Compelling, Quality Video Products



FACT SHEET

MOTOROLA SOLUTIONS

Motorola Solutions is a global leader in mission-critical communications. Our technology platforms in communications, command center software, video security & analytics, and managed & support services make cities safer and help communities and businesses thrive.

We have a rich history of firsts, including pioneering mobile communications in the 1930s, making equipment that carried the first words from the moon in 1969 and developing the first commercial handheld cellular phone in 1983.

Today, our global employees are committed to designing and delivering the solutions our customers refer to as their lifeline. At Motorola Solutions, we are ushering in a new era in public safety and security.

TECHNOLOGY PLATFORMS



**MISSION-CRITICAL
COMMUNICATIONS**



**COMMAND CENTER
SOFTWARE**



**VIDEO SECURITY &
ANALYTICS**



**MANAGED &
SUPPORT SERVICES**

AWARDS

The Wall Street Journal Management Top 250,
No. 92, November 2019

WayUp Top 100 Internship Programs, August 2019

Fortune World's Most Admired Companies,
No. 3 in Networks and Other Communications
Equipment, January 2019

Forbes World's Best Employers, October 2018

Dow Jones Sustainability North American Index,
September 2018

CHAIRMAN & CEO

Greg Brown

HEADQUARTERS

500 W. Monroe
Chicago IL USA

MEDIA CONTACT

Brittany Kelly | 224-246-3914
brittnay.kelly@motorolasolutions.com

BY THE NUMBERS

\$7.3 BILLION

in annual sales (2018)

\$637 MILLION

in R&D spending (2018)

\$3.3 BILLION

in acquisitions spending since 2016

17,000+ EMPLOYEES

in 60 countries

100,000+ CUSTOMERS

in over 100 countries

6,900+ PATENTS

granted and pending

13,000 NETWORKS

across the globe



Motorola Solutions, Inc. 500 West Monroe Street, Chicago, IL 60661 U.S.A. motorolasolutions.com

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WatchGuard Video

415 E. Exchange

Allen, TX 75002

(P) 800-605-6734 (F) 212-383-9661

**MOTOROLA SOLUTIONS****Prepared For:**

Glen Ellyn Police Department - Attention: Janet Terranova

(12)M500 (36)V300 VAAS LPR

QUOTATION - VH3-0047-03

DATE: 02-03-22

Additional Options

Deliverables / Materials / Services	Qty	Unit Price	Sell Price	Amount
M500 In-car video system with Integrated V300 Body-worn camera and Command Central Evidence - 5 Year Video-as-a-Service Package @ \$205 per Month	12	\$12,300.00	\$12,300.00	\$147,600.00
AAS-M5-BWC-5YR (PaaS)				
Video-as-a-Service Bundle includes the cloud-based evidence management system, with unlimited storage and unlimited cloud sharing.				
1 User License per bundle.				
CommandCentral Evidence, capture, records, redaction and community engagement capabilities included.				
V300 Body-worn camera (choice of mount)				
Third year technology (Hardware) refresh.				
M500 In-Car Video System				
M500 with 1TB DVR, 5" touch display, front camera with 4k sensor, infrared cabin camera,				
V300 WiFi Dock, MikroTik WiFi Kit & Smart Power Switch				
5-year agreement (billed Quarterly or Annually)				
No-Fault hardware warranty, Advanced hardware replacement service & 24/7 support				

Body-worn camera and evidence management software - 5 Year Video-as-a-Service Package @ \$49 per Month	36	\$2,940.00	\$2,940.00	\$105,840.00
---	-----------	-------------------	-------------------	---------------------

AAS-BWC-5YR-001 (PaaS)

Video-as-a-Service includes CommandCentral Evidence, the cloud-based evidence management system with unlimited device storage and unlimited cloud sharing.

1 User License per Body Worn Camera.

50 GB of non-device storage included per device, averaged across all devices in the program

CommandCentral Evidence, Records, Redaction, Sharing, Community Engagement capabilities and capture application included.

Body-worn camera (battery + choice of mount included)

Third year technology (Hardware) refresh.

5-year agreement (billed Quarterly or Annually)

Advanced hardware replacement service & 24/7 support

No-Fault hardware warranty

V300, Battery, Removable and Rechargeable, 3.8V, 4180mAh	48	\$99.00	\$69.00	\$3,312.00
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WGP02614

Pre Configured V300 Transfer Station II with Power Supply and Cables.	6	\$1,495.00	\$1,200.00	\$7,200.00
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BW-ACK-V3-TSC

V300 Transfer Station II

TS02, D350, 8-Slot Rack Mount Charge/Upload Dock, 10GB

includes kit with Power Supply and Cables.

V300 Base Assembly, USB Desktop Dock	5	\$95.00	\$65.00	\$325.00
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WGA00640-KIT1

Universal Firearm Holster Trigger Sensor Kit	45	\$260.00	\$200.00	\$9,000.00
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YDM-HLS-TRG-KIT

Holster Trigger Sensor, Primer, USB Charging Cable

Taser X26P Holster with Trigger Sensor and Belt Clip (Right Hand Draw)	45	\$420.00	\$320.00	\$14,400.00
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YDM-TSR-TRG-X26

Taser X26P Holster with integrated Trigger Sensor and Belt Clip (Right Hand Draw)

MikroTik Configured Wireless Access Point, 802.11n, 5GHz, SXT, AP (Sector)	2	\$250.00	\$250.00	\$500.00
--	---	----------	----------	----------

IV-ACK-WF-CS-AP

MikroTik Configured Wireless Access Point, 802.11n, 5GHz, SXT, AP

M500 Basic LPR Annual Service Fee	12	\$550.00	\$550.00	\$6,600.00
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SVC-LPR-BSC-001

Automatic License Plate Recognition using M500 Front camera to read license plates and query Agency Owned Data. • Includes 90 Day Free Trial of Investigative Data Platform (IDP) • Service per Vehicle per Year

Advanced Remote Support Services for WG LPR	1	\$1,500.00	\$1,500.00	\$1,500.00
---	---	------------	------------	------------

SSUWGA-R

Agency Manager Training

Installation & Configuration of LPR System

Camera Alignment assistance

Up to 5 systems

All Services are remote

Hardware Install Not Included (Sold Separately)

Investigative Data Platform - Annual Subscription for up to 50 Sworn - State and Local	1	\$7,750.00	\$7,750.00	\$7,750.00
--	---	------------	------------	------------

VS-IDP-01A

Commercial LPR Data access - Up to 50 Sworn

Access to all Vigilant commercially acquired national vehicle location data

Unlimited use by authorized agency personnel to complete suite of LEARN data analytics

Includes full use of hosted/managed LPR server account via LEARN

FaceSearch with Vigilant Image Gallery Access For up to 50 Sworn

Access to all agency/shared images and Vigilant Image Gallery

Unlimited use by authorized agency personnel to all FaceSearch tools

Image gallery of up to 5,000 images

Learner Subscription	45	\$0.00	\$0.00	\$0.00
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SSV00S01450B

Learning Services

Managed Software Installation Service; On-Site Assist Install, Training, Configuration, Project Management, Consultation	1	\$5,000.00	\$5,000.00	\$5,000.00
WGW00122-400				
Shipping - BWC Unit	36	\$15.00	\$15.00	\$540.00
FRT-BWC-01				
Freight delivery for each Body Worn Camera Unit				
Shipping - BWC ICV Pkg	12	\$50.00	\$50.00	\$600.00
FRT-BWCICV01 (PaaS)				
Freight delivery for each Body Worn & In Car Video combo Package				
Subtotal Price				\$310,167.00

Total Price	\$310,167.00
Deferred	\$254,040.00
Direct Purchase Items	\$56,127.00
Due Now	\$106,935.00
Annual Invoice	\$50,808.00

Purchase as a Service (PaaS)
Financial Profile

Total Price:	\$254,040.00
Contract Term:	5 Years
Monthly Payments:	\$4,234.00
Annual Invoice:	\$50,808.00

Notes:

1. This Quote is valid for 90 days from the Quote Date. Pricing may change thereafter.
2. Any sales transaction resulting from this Quote is based on and subject to the applicable Motorola's Standard Terms and Conditions, notwithstanding terms and conditions on purchase orders or other Customer ordering documents.
3. Motorola's Standard Terms and Conditions are found at www.motorolasolutions.com/product-terms.
4. Payment Terms: Equipment-Net 30 days upon shipment; Installation-Net 30 days upon completion; Services and Subscription Agreements-Net 30 days from receipt of Order.
5. The pricing in this Quote does not include any applicable taxes (e.g. sales/use tax).

6. UNLESS OTHERWISE NOTED IN THIS QUOTE / ORDER, INSTALLATION OF EQUIPMENT IS NOT INCLUDED
7. In-car installation of M500 ICV's and Access Point(s) installation are not included.

Quoted by: Danny O'Shea - 800-605-6734 - daniel.oshea@motorolasolutions.com



MOTOROLA SOLUTIONS

Quote For:

Glen Ellyn Police Department

Attn: Janet Terranova

Reference:

(48) V300 BWC VAAS

Quote By:

WatchGuard Video / Motorola Solutions

Danny O'Shea

Date: 02-03-22

Serving Law Enforcement with the Most Compelling, Quality Video Products



FACT SHEET

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TECHNOLOGY PLATFORMS



**MISSION-CRITICAL
COMMUNICATIONS**



**COMMAND CENTER
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**MANAGED &
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The Wall Street Journal Management Top 250,
No. 92, November 2019

WayUp Top 100 Internship Programs, August 2019

Fortune World's Most Admired Companies,
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Forbes World's Best Employers, October 2018

Dow Jones Sustainability North American Index,
September 2018

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Greg Brown

HEADQUARTERS

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BY THE NUMBERS

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MOTOROLA SOLUTIONS

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WatchGuard Video

415 E. Exchange

Allen, TX 75002

(P) 800-605-6734 (F) 212-383-9661

**Prepared For:**

Glen Ellyn Police Department - Attention: Janet Terranova

(48) V300 BWC VAAS

QUOTATION - VH3-0049-02

DATE: 02-03-22

Additional Options

Deliverables / Materials / Services	Qty	Unit Price	Sell Price	Amount
Body-worn camera and evidence management software - 5 Year Video-as-a-Service Package @ \$49 per Month	48	\$2,940.00	\$2,940.00	\$141,120.00
AAS-BWC-5YR-001 (PaaS)				
Video-as-a-Service includes CommandCentral Evidence, the cloud-based evidence management system with unlimited device storage and unlimited cloud sharing.				
1 User License per Body Worn Camera.				
50 GB of non-device storage included per device, averaged across all devices in the program				
CommandCentral Evidence, Records, Redaction, Sharing, Community Engagement capabilities and capture application included.				
Body-worn camera (battery + choice of mount included)				
Third year technology (Hardware) refresh.				
5-year agreement (billed Quarterly or Annually)				
Advanced hardware replacement service & 24/7 support				
No-Fault hardware warranty				
V300, Battery, Removable and Rechargeable, 3.8V, 4180mAh	48	\$99.00	\$69.00	\$3,312.00
WGP02614				
Pre Configured V300 Transfer Station II with Power Supply and Cables.	6	\$1,495.00	\$1,200.00	\$7,200.00
BW-ACK-V3-TSC				
V300 Transfer Station II				
TS02, D350, 8-Slot Rack Mount Charge/Upload Dock, 10GB				
includes kit with Power Supply and Cables.				

V300 Base Assembly, USB Desktop Dock WGA00640-KIT1	5	\$95.00	\$65.00	\$325.00
Universal Firearm Holster Trigger Sensor Kit YDM-HLS-TRG-KIT Holster Trigger Sensor, Primer, USB Charging Cable	45	\$260.00	\$200.00	\$9,000.00
Taser X26P Holster with Trigger Sensor and Belt Clip (Right Hand Draw) YDM-TSR-TRG-X26 Taser X26P Holster with integrated Trigger Sensor and Belt Clip (Right Hand Draw)	45	\$420.00	\$320.00	\$14,400.00
Learner Subscription SSV00S01450B Learning Services	45	\$0.00	\$0.00	\$0.00
Managed Software Installation Service; On-Site Assist Install, Training, Configuration, Project Management, Consultation WGW00122-400	1	\$5,000.00	\$5,000.00	\$5,000.00
Shipping - BWC Unit FRT-BWC-01 Freight delivery for each Body Worn Camera Unit	48	\$15.00	\$15.00	\$720.00

Subtotal Price	\$181,077.00
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Total Price	\$181,077.00
Deferred	\$141,120.00
Direct Purchase Items	\$39,957.00
Due Now	\$68,181.00
Annual Invoice	\$28,224.00

**Purchase as a Service (PaaS)
Financial Profile**

Total Price:	\$141,120.00
Contract Term:	5 Years
Monthly Payments:	\$2,352.00
Annual Invoice:	\$28,224.00

Notes:

1. This Quote is valid for 90 days from the Quote Date. Pricing may change thereafter.
2. Any sales transaction resulting from this Quote is based on and subject to the applicable Motorola's Standard Terms and Conditions, notwithstanding terms and conditions on purchase orders or other Customer ordering documents.
3. Motorola's Standard Terms and Conditions are found at www.motorolasolutions.com/product-terms.
4. Payment Terms: Equipment-Net 30 days upon shipment; Installation-Net 30 days upon completion; Services and Subscription Agreements-Net 30 days from receipt of Order.
5. The pricing in this Quote does not include any applicable taxes (e.g. sales/use tax).
6. UNLESS OTHERWISE NOTED IN THIS QUOTE / ORDER, INSTALLATION OF EQUIPMENT IS NOT INCLUDED
7. Not including the sync of BWC to current 4RE in-car system.

Quoted by: Danny O'Shea - 800-605-6734 - daniel.oshea@motorolasolutions.com



MOTOROLA SOLUTIONS

Quote For:

Glen Ellyn Police Department

Attn: Janet Terranova

Reference:

(12) M500 ICV VAAS LPR

Quote By:

WatchGuard Video / Motorola Solutions

Danny O'Shea

Date: 02-03-22

Serving Law Enforcement with the Most Compelling, Quality Video Products



FACT SHEET

MOTOROLA SOLUTIONS

Motorola Solutions is a global leader in mission-critical communications. Our technology platforms in communications, command center software, video security & analytics, and managed & support services make cities safer and help communities and businesses thrive.

We have a rich history of firsts, including pioneering mobile communications in the 1930s, making equipment that carried the first words from the moon in 1969 and developing the first commercial handheld cellular phone in 1983.

Today, our global employees are committed to designing and delivering the solutions our customers refer to as their lifeline. At Motorola Solutions, we are ushering in a new era in public safety and security.

TECHNOLOGY PLATFORMS



**MISSION-CRITICAL
COMMUNICATIONS**



**COMMAND CENTER
SOFTWARE**



**VIDEO SECURITY &
ANALYTICS**



**MANAGED &
SUPPORT SERVICES**

AWARDS

The Wall Street Journal Management Top 250,
No. 92, November 2019

WayUp Top 100 Internship Programs, August 2019

Fortune World's Most Admired Companies,
No. 3 in Networks and Other Communications
Equipment, January 2019

Forbes World's Best Employers, October 2018

Dow Jones Sustainability North American Index,
September 2018

CHAIRMAN & CEO

Greg Brown

HEADQUARTERS

500 W. Monroe
Chicago IL USA

MEDIA CONTACT

Brittany Kelly | 224-246-3914
brittnay.kelly@motorolasolutions.com

BY THE NUMBERS

\$7.3 BILLION

in annual sales (2018)

\$637 MILLION

in R&D spending (2018)

\$3.3 BILLION

in acquisitions spending since 2016

17,000+ EMPLOYEES

in 60 countries

100,000+ CUSTOMERS

in over 100 countries

6,900+ PATENTS

granted and pending

13,000 NETWORKS

across the globe



Motorola Solutions, Inc. 500 West Monroe Street, Chicago, IL 60661 U.S.A. motorolasolutions.com

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WatchGuard Video

415 E. Exchange

Allen, TX 75002

(P) 800-605-6734 (F) 212-383-9661

**Prepared For:**

Glen Ellyn Police Department - Attention: Janet Terranova

(12) M500 ICV VAAS LPR

QUOTATION - VH3-0048-02

DATE: 02-03-22

Additional Options

Deliverables / Materials / Services	Qty	Unit Price	Sell Price	Amount
M500 In-car Video System and Command Central Evidence - 5 Year Video-as-a-Service Package @ \$165 per Month	12	\$9,900.00	\$9,900.00	\$118,800.00
AAS-M5-5YR-001 (PaaS)				
Video-as-a-Service includes the CommandCentral Evidence cloud-based evidence management system				
Unlimited storage & Unlimited cloud sharing				
1 User License per In-Car System				
In-Car Video System				
M500 with 1TB DVR, 5" touch display, front camera with 4k sensor, infrared cabin camera,				
HiFi wireless microphone kit, MikroTik WiFi Kit & Smart Power Switch				
5-year agreement (billed Quarterly or Annually)				
CommandCentral Evidence PLUS - Five (5) Year Subscription	35	\$2,340.00	\$2,000.00	\$70,000.00
SSV00S02601A-05				
Digital Evidence Management				
Field Response Application				
Records Management				
PLUS these additional features:				
Advanced Tools: Redaction, Transcription, and Reporting				
Community Interaction Tools				
Case Sharing Capabilities				
Five (5) Year Subscription Duration				
Priced Per Named User (Qty = # of Users)				

MikroTik Configured Wireless Access Point, 802.11n, 5GHz, SXT, AP (Sector)	2	\$250.00	\$250.00	\$500.00
IV-ACK-WF-CS-AP				
MikroTik Configured Wireless Access Point, 802.11n, 5GHz, SXT, AP				
M500 Basic LPR Annual Service Fee	12	\$550.00	\$550.00	\$6,600.00
SVC-LPR-BSC-001				
Automatic License Plate Recognition using M500 Front camera to read license plates and query Agency Owned Data. • Includes 90 Day Free Trial of Investigative Data Platform (IDP) • Service per Vehicle per Year				
Advanced Remote Support Services for WG LPR	1	\$1,500.00	\$1,500.00	\$1,500.00
SSUWGA-R				
Agency Manager Training				
Installation & Configuration of LPR System				
Camera Alignment assistance				
Up to 5 systems				
All Services are remote				
Hardware Install Not Included (Sold Separately)				
Investigative Data Platform - Annual Subscription for up to 50 Sworn - State and Local	1	\$7,750.00	\$7,750.00	\$7,750.00
VS-IDP-01A				
Commercial LPR Data access - Up to 50 Sworn				
Access to all Vigilant commercially acquired national vehicle location data				
Unlimited use by authorized agency personnel to complete suite of LEARN data analytics				
Includes full use of hosted/managed LPR server account via LEARN				
FaceSearch with Vigilant Image Gallery Access For up to 50 Sworn				
Access to all agency/shared images and Vigilant Image Gallery				
Unlimited use by authorized agency personnel to all FaceSearch tools				
Image gallery of up to 5,000 images				
Learner Subscription	45	\$0.00	\$0.00	\$0.00
SSV00S01450B				
Learning Services				

Managed Software Installation Service; On-Site Assist Install, Training, Configuration, Project Management, Consultation	1	\$5,000.00	\$5,000.00	\$5,000.00
WGWO0122-400				
Shipping - ICV Unit	12	\$25.00	\$25.00	\$300.00
FRT-ICV-01				
Freight delivery for each In Car Video Unit				
Subtotal Price				\$210,450.00

Total Price	\$210,450.00
Deferred	\$118,800.00
Direct Purchase Items	\$91,650.00
Due Now	\$97,590.00
Quarterly Invoice	\$5,940.00

Purchase as a Service (PaaS)
Financial Profile

Total Price:	\$118,800.00
Contract Term:	5 Years
Monthly Payments:	\$1,980.00
Quarterly Invoice:	\$5,940.00

Notes:

1. This Quote is valid for 90 days from the Quote Date. Pricing may change thereafter.
2. Any sales transaction resulting from this Quote is based on and subject to the applicable Motorola's Standard Terms and Conditions, notwithstanding terms and conditions on purchase orders or other Customer ordering documents.
3. Motorola's Standard Terms and Conditions are found at www.motorolasolutions.com/product-terms.
4. Payment Terms: Equipment-Net 30 days upon shipment; Installation-Net 30 days upon completion; Services and Subscription Agreements-Net 30 days from receipt of Order.
5. The pricing in this Quote does not include any applicable taxes (e.g. sales/use tax).
6. UNLESS OTHERWISE NOTED IN THIS QUOTE / ORDER, INSTALLATION OF EQUIPMENT IS NOT INCLUDED
7. Installation of M500 ICV's and Access Points not included.

Quoted by: Danny O'Shea - 800-605-6734 - daniel.oshea@motorolasolutions.com



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

Meeting 2/28/2022 7:00 PM
Department: Community Development
Department Head: Staci Springer
Category: Ordinance
Prepared By: Kelly Purvis

**AGENDA ITEM (ID
2022-1936)**

DOC ID: 2022-1936

Ordinance No.6943, An Ordinance Granting Approval of a Zoning Map Amendment, Special Use Permit, and Zoning Variations to Accommodate the Redevelopment of a Portion of the Building Located at 413 N. Main Street

Statement of the Issue:

Analysis:

Nick Vittore of Svigos Asset management, on behalf of 413 Main LLC, the owner of the property located at 413 N. Main Street, has submitted a request for approval of a Zoning Map Amendment, a Special Use Permit and Zoning Variations. The requests are being made to allow the redevelopment of the back half of the existing building at 413 Main Street to accommodate 12 loft-style apartments on the site. The property is located on the east side of Main Street between Duane Street and Hillside Avenue. The total site is approximately .25 acres. Most of the property is zoned C5A Central Business District, Central Retail Core. The easterly portion of the building is zoned C5B Central Business District, Central Service District (see attached Zoning & Location Map). In order for the project to proceed, the petitioner is specifically requesting approval of the following:

1. A Zoning Map Amendment in accordance with Section 10-10-13 of the Zoning Code to rezone approximately 45 ½ feet of the building from C5A Zoning District to the C5B Zoning District, so that the entire scope of work is within the same zoning district.
2. A Special Use Permit in accordance with Section 10-10-14 of the Zoning Code to allow multi-family dwelling units in the C5B Central Business District.
3. The following Zoning Variations in accordance with Section 10-10-12 of the Zoning Code:
 - a. Section 10-4-17-2(D)3(c) - to allow a 0-foot rear yard setback on the property where a 30-foot rear yard setback is required. (Existing non-conforming condition)
 - b. Sections 10-4-17-2(D)3(d) - to allow a 0-foot side yard setback on the south side of the property and setback of 6.58 feet on the north side of the property in lieu of a 10-foot side yard setback required on each side of the lot. (Existing non-conforming condition)
 - c. Section 10-5-5(B)4 #37. Patio – to allow 5 patios to encroach in the side yard, when patios are only permitted to encroach in the front and rear yards.

- d. Section 10-5-13(L). Screening - to allow no opaque screening to be installed along all lot lines abutting areas zoned for residential use, where 6 to 7 feet of screening is required. (Existing non-conforming condition)
- e. Section 10-5-5 (B)4 #4 to allow covered balconies to encroach in the side yard setback. (Partially existing non-conforming condition, additional Juliette balconies would be added)

Village Plans. The 2001 Comprehensive Plan shows the property as being part of the downtown pedestrian shopping area. It is also indicated that “multi-family residential uses should continue to be located at appropriate perimeter sites, providing a transition between commercial uses and adjacent neighborhoods”. It is further noted that “residential uses contribute significantly to the overall character of downtown, add life and vitality to the area, and provide a built-in market for many downtown stores and shops”. The 2001 Comprehensive Plan also indicates that “marginal, underutilized and obsolete properties could be redeveloped for new retail, service, office, residential or open space uses”.

The 2022 Draft Comprehensive Plan indicates that “an emphasis should be placed on maintaining existing character while facilitating more intensive development that increases the number of people living and working in the downtown”. The Draft Plan further notes that “downtown residents play a key role in reaching a critical mass of potential patrons for local retailers and restaurants. Higher density residential development complements retail and office uses, providing a 24-hour customer base to support downtown amenities”. Page 28 of the Draft Plan indicates that there is a strong multi-family market in Glen Ellyn and that there is a particular demand for both lower and high-end rental products. The site is highlighted as a mixed-use building in the land use plan.

The Downtown Strategic Plan also suggests that “the downtown is an ideal location for increased housing opportunities” and further recommends the construction of a minimum of 450 new dwelling units in the downtown.

While there is nothing specific about this particular site in any of the long-range plans, other than its designation as a mixed-use building, all of the plans support the addition of more residential units in the downtown.

Existing Conditions. The existing 413 N. Main Street building consists of 2 storefront retail spaces fronting Main Street, 1 interior space (occupied by Bellas Artes Music Studio) and 16 residential apartments on the upper levels of the building’s front/west end. The east portion of the building is a former Masonic Hall with two levels. The first level of the Masonic Hall has been vacant for several years, following the departure of Dance, Dance, Dance – a long time tenant in the space. The second level has been vacant for the better part of 10 years. The Masonic Hall is set back approximately 100 feet from Main Street. The only access to the space is through a lengthy interior hallway. After many years of marketing the space for commercial use, the petitioner is now proposing to remodel the space for apartments due to the low visibility of this portion of the building.

Project Summary. The petitioner is proposing to construct 12 loft-style, 1-2 bedroom, 1-1½ bathroom apartments. Each unit will have 14-foot ceilings, central heat and air conditioning, real hardwood floors, in-unit washer and dryer, high-end finishes, ground floor patios and second floor

Juliette balconies. The apartments would be constructed within the back half of the building, in the location of the current Masonic Hall. The front part of the building, including the storefronts along Main Street and existing apartments above, are not included in the scope of work for this project. The building footprint and building envelope will not be expanded as part of the project. More information about the project follows.

Residential Unit Mix

The proposed development would have 12 apartment units: 10 one-bedroom, and 2 two-bedroom units. Of the 12 units, 11 would be two-story “loft-style” apartments and 1 of the units will be a single-story (Unit 201). Six of the one-bedroom units would have a den, and 6 of the units would feature a powder room (1/2 bath) in addition to the full bathroom. Unit sizes would range from 700 square feet to 900 square feet.

Site Improvements

Patios will be added in “front” (north side) of each of the 5 lower-level units on private property. Areas between the patios will be landscaped. A 6-foot fence with a gate will be installed between the apartments and the Civic Center garage to provide some privacy to the residents.

Façade Changes

The majority of the changes to the building façade will take place along the north elevation of the building (facing the Civic Center garage). The fire escape will be removed. The existing covered porch/balcony structure will remain. However, it will be modified, and the stairs will be removed so the structure will act more like balconies. New windows and doors will be added for each unit. Along the east building façade some inoperable windows will be added, to allow light into each of the units on this side of the building. As previously mentioned, there will be no changes to the building’s west building façade (facing Main Street). The only change proposed to the south façade is the removal and filling in with brick of a few windows.

It should be noted that the balconies and patios would be located within the required side yard setback for the building, which requires zoning variations.

Building Setbacks

As indicated above, the footprint of the building will not be altered. However, since this part of the building will change in use to residential dwelling units, the setback requirements also change. A 30-foot rear yard setback and 10-foot side yard setbacks are required for multi-family buildings in the C5B Zoning District. The existing building is constructed up to the south and east property lines and is approximately 6 ½ feet from the north property line. Three Variations from the Zoning Code are being requested for the building setbacks (1 for each side yard setback and 1 for the rear yard setback). It is worth noting that the rear yard setback for the existing building and use is legally non-conforming (0 feet where 20 feet is required).

Screening

Screening 6-7 feet in height is required along all property lines shared with a residential use. As previously indicated, the existing building is constructed up to the south and east property lines, where the building is adjacent to residential uses. Therefore, screening cannot be installed along these property lines. A Variation from this requirement is being requested. It is worth noting that the current building and use is legally non-conforming as it relates to this requirement.

Parking

As part of the Civic Center Parking Garage project, the property owner negotiated the ability to lease 12 parking spaces in the Civic Center Parking Garage from the Village - providing 1 parking stall per unit. While 19 parking stalls would normally be required based upon the number of bedrooms included in the project, the following provision in the Zoning Code credits 39 parking stalls to the site, and therefore, no additional parking is required.

Section 10-4-17-2(G) Each building shall be credited with the number of parking spaces necessary to meet the applicable parking requirement for the existing use of that building, regardless of whether or not the number of required parking spaces actually exist. Any new use which is subject to a different parking requirement shall provide only the additional number of parking spaces above the number of spaces credited to the site necessary to meet the applicable parking requirement.

Developer Donations

With the addition of new dwelling units, the developer is required to pay developer donations to Village taxing districts. This amount is to be paid prior to the issuance of a building permit. Based upon the proposed bedroom count, the donation amounts are listed below:

1. Glen Ellyn Park District – \$35,835.00
2. School District 41 – \$901.00
3. School District 87 - \$250.76
4. Fire Company - \$6,000.00
5. Glen Ellyn Library - \$4,740.84

Rezoning

As mentioned above, a portion of the building is within the C5A Central Retail Core (shown below in blue on rezoning exhibit, attached), and a portion of the building is within the C5B Central Service Subdistrict (shown below in pink on exhibit). The petitioner is proposing to rezone a portion of the center of the building, (approximately 45 feet 6 inches in length) from C5A District to C5B District (shown outlined in red) so that the entire apartment project will be within the same zoning district. Since dwelling units are not permitted on the ground floor in the C5A District, the Zoning Map Amendment would need to be approved for the project to be constructed as proposed.

Special Use

In accordance with Section 10-4-17-2(B) of the Zoning Code, a special use is required for dwelling units in the C5B Zoning District. As was previously mentioned, the Village's long-range plans support the addition of dwelling units in the downtown, particularly on the perimeter to provide a transition between commercial uses and adjacent neighborhoods. The petitioners' attached Special Use application provides additional information about how the proposed use would be suitable for the site.

Plan Commission Recommendation. The Plan Commission considered the petitioner's requests for approval of the Zoning Map Amendment, Special Use Permit and Zoning Variations at a public hearing on January 27, 2022. Three adjacent property owners spoke at the public hearing in opposition to the request. In addition, 5 letters in opposition to the proposed development were submitted in advance of the meeting and were read into the record. The main concerns voiced by the public were related to noise that would be generated due to the proposed balconies and patios being located on the north side of the building and the loss of backyard privacy for the adjacent single-family property due to the planned addition of windows on the east elevation of the building.

The Plan Commission listened to the testimony provided by the petitioner and his architect as well as the comments from the public. During deliberations, one of the Commissioners cited concerns over the permanent loss of first floor retail square footage due to the conversion to residential use. The other Commissioners saw the proposal as a good reuse of a portion of a historic building that has been vacant for a long time. Most were not concerned about the loss of the retail square footage and noted that it is not particularly useful retail space due to its location, setback from Main Street with no storefront visibility. The Commissioners empathized with the neighbors and suggested that the Village should try to mitigate the noise issues that already exists due to the Civic Center parking garage structure, which created a tunnel that echoes sound toward the homes along Hillside Avenue. The Commissioners asked that the petitioner work on a solution to address the neighbors' concerns about privacy (related to the windows on the east building façade) prior to appearing for final consideration of the project by the Village Board.

By a vote of 5-1, the Plan Commission recommended approval of the request subject to the following conditions:

1. That prior to the issuance of a building permit the petitioners will pay the appropriate Developer Donations, estimated to be \$47,727.60 to the Village.
2. That the project be constructed in substantial conformance with the plans and testimony presented at the Plan Commission public hearing and before the Village Board of Trustees.
3. That prior to the issuance of a building permit, a construction management plan must be prepared, and reviewed at a pre-construction meeting, and approved by the Police, Fire, Public Works and Community Development Departments.
4. That if any rooftop units are visible from the public right-of-way, they shall be screened as appropriate.
5. That the Developer will work with the Historical Society during construction of the project to pass along any items of interest to the Historical Society.
6. Prior to Village Board consideration of the project, Staff will continue to work with the Architect and Developer to come to a solution for the windows that addresses the neighbors' concerns about privacy.

East Elevation Plan Revision. Following the public hearing and feedback received from neighbors and the Plan Commission, the petitioner has revised the proposed east elevation of the building. The original proposal included 6 windows (approximately 250 square feet in area), which has now been reduced to 2 windows (approximately 45 square feet in area). The windows are each raised 6 feet from the floor level to allow light into the units. An exhibit showing the existing conditions, original proposal for the east elevation and the revised proposal for the east elevation is attached.

Budget Impact:

NA

Action Requested:

The Village Board may approve, approve with conditions or deny the petitioner's requests for approval of a Zoning Map Amendment, Special Use Permit and Zoning Variations. Village staff has prepared an Ordinance approving the requests, in accordance with the Plan Commission's

recommendation, for consideration at the February 28, 2022 Village Board meeting.

Attachments:

1. VB Ordinance 6943
2. Zoning & Location Map
3. 1-27-22 Plan Commission Meeting Minutes-DRAFT
4. 2001 - Comprehensive Plan Sections
5. 2009 - Downtown Strategic Plan Sections
6. 2022 - Draft Comprehensive Plan Sections
7. Application - Zoning Map Amendment
8. Application - Special Use Permit
9. Application - Zoning Variation
10. Supplemental Application Information
11. Petitioner's Narrative - Cover Letter
12. Site Plan, Key Map
13. Plat of Survey
14. Existing Conditions Plans
15. Floor Plans
16. Proposed Elevations, Building Sections
17. Original & Revised East Elevations
18. Public Comments
19. Rezoning Exhibit



Village of Glen Ellyn

Ordinance No. 6943

**An Ordinance Granting Approval of
A Zoning Map Amendment, Special Use Permit and
Zoning Variations to Accommodate the Redevelopment
of a Portion of the Building
Located at 413 N. Main Street
Glen Ellyn, IL 60137**

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

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

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

Ordinance No. 6943

**An Ordinance Granting Approval of
A Zoning Map Amendment, Special Use Permit and
Zoning Variations to Accommodate the Redevelopment
of a Portion of the Building
Located at 413 N. Main Street
Glen Ellyn, IL 60137**

Whereas, Nick Vittore, on behalf of 413 Main LLC, owner of the property located at 413 N. Main Street, has petitioned the Village President and Board of Trustees for approval of the following:

- A. A Zoning Map Amendment in accordance with Section 10-10-13 of the Zoning Code to rezone approximately 45 ½ feet of the building from C5A Zoning District to the C5B Zoning District, so that the entire scope of work is within the same zoning district.
- B. A Special Use Permit in accordance with Section 10-10-14 of the Zoning Code to allow multi-family dwelling units in the C5B Central Business District.
- C. The following Zoning Variations in accordance with Section 10-10-12 of the Zoning Code:
 - 1. Section 10-4-17-2(D)3(c) - to allow a 0-foot rear yard setback on the property where a 30-foot rear yard setback is required.
 - 2. Sections 10-4-17-2(D)3(d) - to allow a 0-foot side yard setback on the south side of the property and setback of 6.58 feet on the north side of the property in lieu of a 10-foot side yard setback required on each side of the lot;
 - 3. Section 10-5-5(B)4 #37. Patio – to allow 5 patios to encroach in the side yard, when patios are only permitted to encroach in the front and rear yards.
 - 4. Section 10-5-13(L). Screening - to allow no opaque screening to be installed along all lot lines abutting areas zoned for residential use, where 6 to 7 feet of screening is required.
 - 5. Section 10-5-5 (B)4 #4 to allow covered balconies to encroach in the side yard setback.

all to allow the redevelopment of the back half of the existing building on the property to accommodate 12 loft-style apartments; and

Whereas, the subject property is located on the east side of Main Street between Duane Street and Hillside Avenue and lies partially within the C5A and C5B Zoning Districts; and

Whereas, the property is legally described as follows:

THE SOUTH 19.96 FEET OF LOT 1 AND ALL OF LOT 2 (EXCEPT THE SOUTH 29.96 FEET THEREOF) IN THE SUBDIVISION OF LOT 6 OF BLOCK 12 IN ASSESSMENT DIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 7, 1906 AS DOCUMENT NO. 87151, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.s: 05-11-328-008

Whereas, following due and proper publication of notice in The Daily Herald not less than fifteen (15) nor more than thirty (30) days prior thereto, and following written notice to all property owners within 250 feet, and the placement of a placard on the subject property not less than fifteen (15) days prior thereto, the Plan Commission of the Village of Glen Ellyn conducted a public hearing on January 27, 2022, at which hearing the Plan Commission considered the petitioner's request for approval of the Zoning Map Amendment, Special Use Permit and Zoning Variations; and

Whereas, at the January 27, 2022 Plan Commission public hearing, the petitioner presented evidence and testimony in support of the requested Zoning Map Amendment, Special Use Permit and Zoning Variations; and

Whereas, five (5) letters submitted in opposition to the requests were read into the record at the public hearing and three (3) members of the public spoke at the meeting in opposition to the requests; and

Whereas, after having considered the evidence presented, including the exhibits and materials submitted, the Plan Commission made its findings of fact and recommendations as set forth in the minutes from the January 27, 2022 Plan Commission public hearing, a draft of which is attached hereto as Exhibit "A", and by a vote of five (5) "yes" and one (1) "no", the Plan

Commission recommended approval of the requested Zoning Map Amendment, Special Use Permit and Zoning Variations; and

Whereas, the Village President and Board of Trustees have reviewed the evidence, exhibits, and materials presented at the January 27, 2022 Plan Commission public hearing and have considered the findings of fact and recommendations of the Plan Commission and hereby make the following findings:

Related to the petitioner's request for a Zoning Map Amendment, to rezone a portion of the property at 413 N. Main Street from the C5A Zoning District to the C5B Zoning District and in accordance with 10-10-13(E) of the Zoning Code, the Village Board finds:

1. Identification of the existing uses of the property within the general area of the affected property: The property is adjacent to the Civic Center Parking Garage and mixed-use commercial buildings to the north, a mixed-use building and multi-family building to the south, single-family homes to the east, and a new mixed-use building to the west.
2. Identification of the zoning classification of property within the general area of the affected property: The site is partially zoned C5A District (west part of the building) and partially zoned C5B District (east part of the building). The zoning classification of the adjacent properties are as follows: to the north and south of the site, the properties are zoned C5A and C5B Central Business District, to the east is R2 Residential, and to the west is C5A Central Business District.
3. Determination as to the suitability of the property in question to the uses permitted under the existing classification of district and under the proposed classification or district: As noted, the westerly portion of the building is zoned C5A which is the Central Business District's Retail Core. Since the easterly portion of the building does not have visible frontage, it is not well suited for a commercial use. The property has been vacant for many years due to its low visibility. The easterly portion of the building is zoned C5B which allows residential dwelling units with a Special Use Permit. It is desired that the middle portion of the building (approximately 45 ½ feet) be rezoned so that the entire boundary/scope of work for the apartment project is within the C5B Zoning District.
4. The trend or development, if any, in the general area of the affected property, including changes, if any, which have taken place since the date the affected property was placed in its present zoning classification or district: Recent development in the vicinity of the site includes: Apex 400, a new mixed-use building with commercial space and public parking on the ground floor with apartments on the upper levels (west) and the Civic Center Parking Garage (north). Directly to the south of the property, is a small mixed-use building that will be renovated for a co-working office space. Other buildings surrounding the site have not changed for many years.

5. The trend or development, if any, as to the proposed uses of property within the general area of the affected property, as represented in the Comprehensive Plan: The Village's long-range plans encourage the addition of new residential dwelling units in the downtown to support the shops, restaurants and service uses in the downtown. It is noted that multi-family dwelling units serve as an appropriate buffer between single family residential and commercial properties.
6. The length of time the property has been vacant as zoned, considered in the context of the land development and the area surrounding the subject property: A portion of the space has been vacant for over 10 years. The first floor has been vacant for 4 years, since the departure of the long-time tenant "dance, dance, dance". Subsequent efforts to market the space for commercial use have shown that the low visibility of the space is not ideal for retail or office uses.
7. The extent to which property values are diminished, if at all, by the particular zoning restrictions: Since over 50% of the building is currently vacant, and most commercial uses (retail and office) need visible storefronts, the value of the building is currently diminished by 50%. Residential use does not require visibility, and may even benefit from being located further back from Main Street.

Related to the petitioner's request for a Special Use Permit to allow residential dwelling units in the C5B Zoning District and in accordance with Section 10-10-14(E) of the Glen Ellyn Zoning Code, the Village Board finds:

1. The proposed use will be harmonious and in accordance with the general objectives, or within a specific objective of the Comprehensive Plan and/or Zoning Code because adding additional dwelling units to the downtown, as recommended by the Village's long-range plans, will help to create more pedestrian foot traffic, and support downtown shops and restaurants, creating a more vibrant downtown. In addition, the building is currently underutilized, with 50% of the space sitting vacant due to low visibility. The Comprehensive Plan suggests that underutilized properties in the downtown should be redeveloped for new retail, service, office, residential or open space uses.
2. The project will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area because the design and construction of the loft-style apartments will provide a much-needed renovation for the building. Minimal changes to the exterior of the building will be made to accommodate the apartments (addition of windows and doors). The front building façade will remain unchanged and therefore the project will have very little effect, if any, on the character of the area.
3. The proposed use will not be hazardous or disturbing to existing or future neighborhood uses of the property because the project will be constructed in accordance with all Village Building and

Fire Codes. The apartments will be harmonious with the many residential dwelling units in and near the downtown currently.

4. The proposed use will be served adequately by existing public facilities and services such as highways, streets, police, fire protection, drainage structure, refuse disposal, water, sewers, and schools because there is no significant change to the required facilities to service the development, and any such upgrades that are required will be funded by the developer. In addition, developer donations will be paid prior to building permit issuance to offset any impact to schools, and other Village taxing bodies.
5. The proposed use will not create excessive additional requirements at a public cost for public facilities and services and will not be detrimental to the economic welfare of the Village because the small apartment development can be adequately served by existing facilities. The renovation of the building will allow 12 new dwelling units to be created which will increase the value of the property and contribute to the Village's tax base.
6. The use will not involve activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, and odors because the number of units in the proposed project are minimal and will not create much traffic. This apartment development will not create any more of a disturbance than any of the others that are in proximity to the site.
7. The development will have vehicular approaches to the property, which shall be so designed as not to create an undue interference with traffic on surrounding public streets or roads because there will be no new vehicular approaches created as part of this project. The building is existing, and there are minimal changes to the site. The 12 apartment units are not expected to generate much traffic and it is not anticipated that there would be any impact to the surrounding streets.
8. The development will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue, or relief because the subject property is not located in or near a floodplain or wetlands and the development is required to meet all requirements of the DuPage County Stormwater Ordinance and Village Amendments thereto. Further, the building envelope is not changing, and no additional impervious surface square footage will be added to the site.
9. The development will not result in destruction, loss, or damage of natural, scenic, or historic features of major importance to the community because the renovation of the building will restore the building rather than destroy it. The building is within the Village's Downtown Historic District. The westerly part of the building fronting on Main Street will remain intact and is not part of the scope of work for this project. Further, the development team specializes in the redevelopment of historic buildings.

Related to the petitioner's request for Zoning Variations and in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code, the Village Board finds:

1. That the particular physical surroundings, shape or topographical condition of the specific property involved would bring particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out because this portion of the building does not have any frontage on Main Street or Hillside Avenue. It is essentially hidden except from the Village pedway. The developer is working with an existing infill building that was constructed up to the property lines many years ago.
2. That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district because the back portion of the building, where the new apartments are proposed, is completely surrounded on all sides. It offers very low visibility, making it more appropriate for residential use than commercial use. The building is existing, and the developer is working within the existing constraints of the property. This property is truly unique.
3. That the purpose of the variations is not based exclusively upon a desire to make more money out of the property, the variations requested are largely based on a desire to have an occupied building versus a vacant one. Without the granting of the variations, this part of the property would be essentially unusable.
4. That the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property or by the applicant because this is an existing building that was constructed in the 1920's. This is an infill project, and the developer is working within the existing site constraints in order to have reasonable use of the property.
5. That the granting of the variations will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located because the improvements will enhance the property, which is currently in disrepair.
6. That the proposed variations will not:
 - a. Impair an adequate supply of light and air to the adjacent property because there will be no change to the building envelope. Space between buildings will remain the same.
 - b. Substantially increase the hazard from fire or other dangers to said property or adjacent property because the project will be constructed in accordance with all current Village Building and Fire Codes.
 - c. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of the Village because the proposed apartment development is proximate to other multi-family buildings in the downtown. The redevelopment of the building will

make it safer than it is today by coming into compliance with current Building and Fire Codes.

- d. Diminish or impair property values within the neighborhood because the proposed redevelopment of the building will increase the property's value.
 - e. Unduly increase traffic congestion in the public streets and highways because the development is small, with only 12 dwelling units. It is not anticipated that there will be any impact on traffic due to this development.
 - f. Create a nuisance because there are many other residential dwelling units in the general vicinity. This apartment development will be small and unlikely to create any noticeable impact on the surrounding area.
 - g. Result in an increase in public expenditures because the building is adequately served by public facilities and any upgrades to the site will be funded by the developer.
7. That the variation is the minimum variation that will make possible the reasonable use of the land, building or structure because, without these variations, this portion of the property is unusable and would remain vacant. Marketing of the property over the last several years for commercial use has shown that its low visibility makes it undesirable for retail and office establishments.

Whereas, the President and Board of Trustees have determined that approving the Zoning Map Amendment, Special Use Permit and Zoning Variations to accommodate the 12 new apartment units is consistent with the goals of the Glen Ellyn Zoning Code.

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

Section One: The minutes from the January 27, 2022 Plan Commission public hearing, a draft of which is attached hereto as Exhibit "A", and the findings of fact set forth therein, as well as the findings in the preambles above are hereby adopted as the findings of fact of the Village President and Board of Trustees based upon their review of the evidence, exhibits, and materials presented at the January 27, 2022 public hearing before the Plan Commission.

Section Two: Based upon the findings of fact and recommendations of the Plan Commission, as adopted herein, and the findings of fact and conclusions set forth in the preambles

above, the Village President and Board of Trustees hereby grant approval of the proposed Zoning Map Amendment, Special Use Permit and Zoning Variations to accommodate 12 loft-style apartments to be located in the back half of the existing building at 413 N. Main Street, Glen Ellyn, IL 60137.

Section Three: This grant of approval of the Zoning Map Amendment, Special Use Permit and Zoning Variations is subject to the following conditions:

- A. The project shall be constructed in substantial conformance with the plans submitted and the testimony presented at the January 27, 2022 public hearing before the Plan Commission and with the petitioner's application packet including the following plans and documents referenced below, as though they were attached to this Ordinance:
 - 1. Narrative Statement dated June 6, 2021
 - 2. Application for a Zoning Map Amendment dated April 30, 2020
 - 3. Application for a Special Use Permit dated April 30, 2020
 - 4. Application for Zoning Variations dated April 29, 2020
 - 5. Site Plan & Key Map (Sheet 1), prepared by Pappageorge Haymes Partners, dated December 13, 2021, attached hereto as Exhibit "B"
 - 6. Elevations & Building Sections (Sheets A5-A8), prepared by Pappageorge Haymes Partners, dated November 18, 2021, attached hereto as Group Exhibit "C"
 - 7. Elevation & Building Section (Sheets A-9), prepared by Pappageorge Haymes Partners, dated February 17, 2022, attached hereto as part of Group Exhibit "C"
 - 8. Basement Plan (Sheet A-1), prepared by Pappageorge Haymes Partners, dated November 18, 2021
 - 9. First and Second Floor Plan (Sheet A-2), prepared by Pappageorge Haymes Partners, dated December 14, 2021
 - 10. Third Floor Plan (Sheet A-3), prepared by Pappageorge Haymes Partners, dated November 18, 2021

and these plans and documents shall be filed with and made part of the permanent records of the Glen Ellyn Community Development Department; and

- B. That prior to the issuance of a building permit the petitioners will pay the following Developer Donations to Village:

Glen Ellyn Park District – \$35,835.00
School District 41 – \$901.00
School District 87 - \$250.76
Fire Company - \$6,000.00
Glen Ellyn Library - \$4,740.84

- C. That prior to the issuance of a building permit, a construction management plan must be prepared, and reviewed at a pre-construction meeting, and approved by the Police, Fire, Public Works and Community Development Departments.
- D. That if any rooftop units are visible from the public right-of-way, they shall be screened as appropriate.
- E. That the Developer will work with the Historical Society during construction of the project to pass along any items of interest to the Historical Society.
- F. Staff will work with the Architect and Developer to come to a solution for the windows that addresses the neighbors' concerns about privacy.

Section Four: The Building and Zoning Official is hereby authorized to issue all necessary building and occupancy permits pursuant to the requests approved herein, provided that all the conditions set forth hereinabove have been met and that the applicant complies with all other applicable laws and ordinances of the Village of Glen Ellyn. This grant of approval of the aforementioned requests shall expire and become null and void within 24 months of the date of this Ordinance unless a building permit is applied for within said time period, provided, however, that the Village Board, by motion, may extend the period during which a building permit must be applied for.

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

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

Section Seven. The Village Clerk is hereby authorized to record this Ordinance with the DuPage County Recorder.

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

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

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

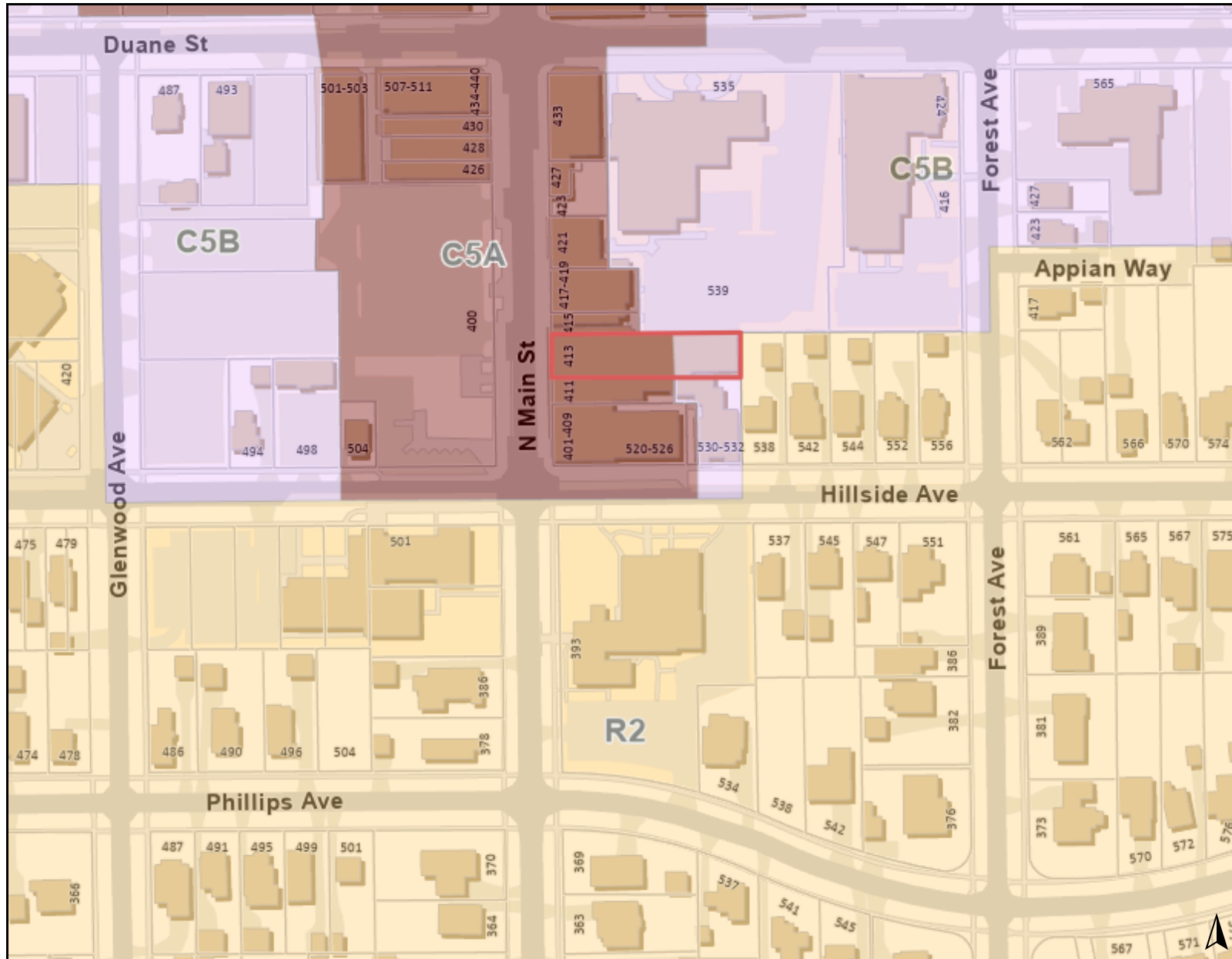
Village President

Attest:

Village Clerk

AFFIX VILLAGE SEAL

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



Legend

Zoning and Development

Zoning

- C5A: Central Business District (Retail Core)
- C5B: Central Business District (Service)
- R2: Single Family Residential District
- R4: Multi-Family Residential District

0 300 600
ft

Print Date: 1/7/2022

Notes

413 N. Main Street

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.

DRAFT MINUTES
REGULAR PLAN COMMISSION MEETING
January 27, 2022

Call to Order and Roll Call

After outlining remote meeting procedure via audio/video conference due to a disaster declaration related to Covid-19 public health concerns, Chairperson Tim Loftus called the meeting to order at 7:02 p.m. He explained the Plan Commission's function and operations, and reviewed public hearing procedures, including protocols for public comments, which, he said, would be recorded. He introduced Village Planning Manager Kelly Purvis and Recording Secretary Barbara Dutton-Thomas, and subsequently noted the presence of Village Board Trustee Steve Thompson and Community Development Director Staci Springer. Roll was called. Besides the Chairperson, Commissioners Brown, Halkyard, Cooper, Saeed and Vondruska were present. Commissioners Berry and Fanella were absent.

Motion to Conduct Public Hearing Remotely

A motion to conduct the Public Hearing remotely was made by Commissioner Saeed and seconded by Commissioner Vondruska. The motion carried unanimously by roll call vote.

Public Comment Non-Agenda Items

None.

413 Main Street – Public Hearing – Acacia Building Residences

A motion made by Commissioner Vondruska and seconded by Commissioner Saeed to open the Public Hearing passed unanimously by roll call vote.

Staff Introduction

Kelly Purvis, Village Planning Manager, 535 Duane St., was sworn in. Ms. Purvis stated that the Petitioner is Nick Vittore of Svigos Asset Management, on behalf of 413 Main LLC, the owner of the property located at 413 N. Main Street. She reported that the petitioner submitted formal applications for a Zoning Map Amendment, Special Use Permit, and Zoning Variations to allow the remodel of the back half of the existing building to accommodate 12 new loft-style apartments. The subject property is located on the east side of North Main Street between Duane Street and Hillside Avenue, she continued, adding that the site is approximately .25 acres. Most of the property is zoned C5A Central Business District, Central Retail Core. The easterly portion of the building is zoned C5B Central Business - Central Service District. Surrounding the site are the Civic Center Parking Garage, Commercial properties to the North; Commercial, and Multi-Family building to the South; and to the East Single-Family Residential; and to the West, Mixed-Use (Commercial and residential) is currently under construction. According to Ms. Purvis, the 2001 Comprehensive Plan shows the property as being part of the downtown pedestrian shopping area, for which it recommends continued improvement as a pedestrian-oriented shopping and business area.

The Plan, she continued, also indicates that multi-family residences uses should continue to be located at appropriate perimeter sites – providing a transition between commercial uses and adjacent neighborhoods – and that such contribute to the character and market of the downtown. Also, she noted, the Plan indicates that “marginal, underutilized and obsolete properties could be redeveloped for new retail, service, office, residential or open space uses.” Ms. Purvis stated that the 2022 Draft Comprehensive Plan indicates that “an emphasis should be placed on maintaining existing character [of the downtown] while facilitating more intensive development that increases the number of people living and working in the downtown,” and further notes that “downtown residents play a key role in reaching a critical mass of potential patrons for local retailers and restaurants. She also referenced language pronouncing a strong multi-family market and a demand for both lower and high-end rental products. She stated that the site is featured as a mixed-use building in the land use plan, and said that the Downtown Strategic Plan suggests that “the downtown is an ideal location for increased housing opportunities,” recommending the construction of a minimum of 450 new dwelling units. While there is nothing specific about this particular site in any of the long-range plans, other than the designation as a mixed-use building, she said, all of the plans support the addition of more residential units downtown.

Ms. Purvis gave a rundown on the existing conditions of the subject property: The building consists of two storefront retail spaces with 16 residential apartments in the front/west end, while the east portion is a former Masonic Hall with two levels. The first level of the Masonic hall has been vacant for several years, following the departure of long-time tenant Dance, Dance, Dance. The second level has been vacant for the better part of 10 years. The Masonic hall is set back approximately 100 feet from Main Street. The only access to the space is through the lengthy interior hallway. After many years of marketing the space for commercial use, explained Ms. Purvis, the Petitioner is now proposing to remodel the space for apartments due to the low visibility of the back portion of the building. The Petitioner, she continued, is proposing to construct 12 loft-style, 1-2 bedroom, 1-1½ bathroom apartments. Each unit will have 14-foot ceilings, central heat and air conditioning, real hardwood floors, in-unit washer and dryer, high-end finishes, ground floor patios and second floor Juliette balconies. Unit sizes would range from 700SF to 900SF, she said. The apartments would be constructed in the location of the Masonic Hall. The front part of the building, including the storefronts along Main Street and existing apartments above, are not included in the scope of work for this project. The building footprint and envelope, stated Ms. Purvis, will not be expanded as part of the project. Patios will be added in front of each of the five lower-level units, with areas between the patios landscaped. Residents, she continued, will be able to enter and exit the building from three locations: Two doors on the north side of the building will provide access to the Pedway, and residents will have access to Main Street through an internal arcade. The majority of the changes to the building façade will take place along the north elevation of the building. The fire escape will be removed, she said. The existing covered porch/balcony structure will remain, but the stairs will be removed so the structure will act more like a balcony. Along the east building façade some inoperable windows will be added, to allow light into units. As previously mentioned, there will be no changes to the building’s west building façade. The only change proposed to the south façade is the filling in of some of the windows. Ms. Purvis said that locating the balconies and patios in the required side-yard setback for the building would require variations.

Because part of the building is changing in use to residential dwelling units, explained Ms. Purvis, the setback requirements also change. A 30-foot rear yard setback and 10-foot side yard setbacks are required for multi-family buildings in the C5B Zoning District. The existing building is constructed up to the south and east property lines and is approximately 6 ½ feet from the north property line. Three Variations from the Zoning Code are being requested for the building setbacks. Screening 6-7 feet in height is required along all property lines shared with residential uses. Since the existing building is constructed up to the south and east property lines, however, screening cannot be installed where the building is adjacent to residential uses, hence, a variation from this requirement is being requested. A portion of the building is within the C5A Central Retail Core, and a portion of the building is within the C5B Central Service Subdistrict, stated Planning Manager Purvis; she explained that the Petitioner is proposing to rezone a center portion of the building from C5A District to C5B District so that the entire apartment project will be within the same zoning district. Since dwelling units are not permitted on the ground floor in the C5A District, she said, the Zoning Map Amendment would be needed for the project to be constructed as proposed, and added that a Special Use is required for dwelling units in the C5B Zoning District. Ms. Purvis outlined conditions of approval to consider, including requiring the developer to pay developer donations to taxing bodies for increasing the number of dwelling units in the Village.

Commissioner Brown asked the legal requirements for the east-facing windows. Ms. Purvis said that, according to the Village's Building & Zoning Official, none are required on the east elevation, as enough light is coming in from the north elevation. Chairperson Loftus wondered the square footage of the portion of the building for which the zoning is requested to be changed from C5A to C5B.

Petitioner's Presentation

Sworn in were Nick Vittore, 1 W. Dundee Rd., Suite 200, Buffalo Grove, Ill.; and Ken DeMuth, Principal with Pappageorge Haymes Architects, 640 N. LaSalle, Suite 400, Chicago, Ill. Mr. Vittore stated that Mr. Svigos purchased the subject property in the late 1990s, impressed with the Village's downtown amenities. Pointing to the historic nature of the 413 building, which features a former Masonic hall, he recounted his company's experience restoring historic properties and described its enthusiasm for doing so. He said he is excited about the 413 building's proximity to the new parking garage, noting that the plan for the subject property includes an artery between the garage and Main Street (through the historic arcade). He suggested that the proposed project is consistent with the Village's plan for a vibrant downtown, and contended that "interesting living spaces" are valuable to a community.

Mr. Vittore stated that the building has been a challenge, and that he has spent considerable time trying to find a commercial solution for the vacant space. Possible uses considered were a banquet space and a concert hall – both difficult – leaving the Petitioner to believe that the best use is residential. He added that, in trying to overcome a challenge associated with exiting the building vis á vis the parking garage, an idea had been hatched to construct a staircase coming out of the second floor to the north (by Nobel House), and while this would be the most cost-effective route for the Petitioner, it was decided for aesthetic reasons to put the stair internally, netting out one less apartment.

Referring to the "gorgeous building and a wonderful resource" represented by the historic subject property, Mr. DeMuth said the plan presented for its renovation offers opportunity to bring the arcade

into the circulation path, reinforcing the pedestrian nature of the downtown. He further praised the building's character, citing among its architectural features, the heavy timber set into the masonry.

Commissioner Halkyard asked if the Petitioner had talked with the neighbors, who have expressed concern about windows in the apartment building "peeking right into their backyard." He also wondered about noise that might be generated from the multi-family building's envisioned patio. Noting brick pavers in place up to the parking garage, Mr. Vittore said that the patio areas are "kind of already there," and being looked at as a second exit from the first floor units (adding that the second floor will have "Juliette" balconies). He said he doesn't perceive the space as a high-traffic area, and that residents would likely be at work 95 percent of the time. While acknowledging that he hasn't talked to neighbors about the windows, Mr. DeMuth opined "the more light the better," saying that even though restricting windows to the West side meets Code, "We like to do better when we can." He said the team proposes putting small light-gathering openings – inoperable and of subdivided glass – on the east side, and offered assurance by saying that much of the window is not fronting on floor space. He added that he is sensitive to privacy concerns, but said that the design's articulation is "friendlier than a big massive wall." Mr. Vittore stated that the Petitioner did delete plans for three corridor windows to the east, and that with the parking garage edifice placement, the apartment building needs as much light as it can get.

Commissioner Cooper said that while windows discussed sound to be at the top end of the units, the drawing doesn't depict windows as being limited to the upper part of the wall space. Having reiterated that windows in the design are intended to emit light (as opposed to frame a view), Mr. DeMuth pointed to one in question that he likened to a clerestory window. Chairperson Loftus asked if the walkway would be open to the public 24/7. In that the Petitioner is encouraging public use, Mr. Vittore stated that the Petitioner would probably work with the Village on a schedule, and indicated that with security in mind is open to ideas as to how to manage the space. The Chairperson asked why, with the expectation of increased traffic, giving up retail space for residential space would be desirable. Mr. Vittore responded that there is already internal retail space in the hallway, and that filling retail space in mixed-use building has been found to be challenging, so believes the best chance for retail success is frontage on Main Street, especially in an Amazon-saturated retail environment. Mr. DeMuth observed that the building owner might be able to get a commercial into the ground floor, but that the second floor is "a real bear" for this application. "Residential," he added, "is doing pretty well."

Commissioner Halkyard asked the implications of rezoning from a tax-dollar perspective, and whether a study had been done as to the type of tenants the proposed apartments are expected to attract. Mr. Vittore stated he's been seeing younger tenants with heavy consumption habits, listing eating out and having food delivered as examples. He said walking is "strong" with apartment dwellers, who want to be "out and about," hence, the appeal of a downtown location. Citing a building in Lake Forest, he said he's seen a mix of young professionals, parents who've downsized, and college kids, and has observed a spread of age groups with similar mindsets.

Chairperson Loftus asked how adding 12 apartments to the building would affect real estate taxes. Planning Manager Purvis stated that while she doesn't have a specific answer to this, the vacant space currently in the building is not generating revenue. She also indicated that property tax revenue is based upon the equalized assessed value of the property and that an improvement increases the value of the

property and therefore the property taxes. Commissioner Brown asked if apartment windows would be outfitted with an internal treatment, and whether the building would have an elevator. Mr. Vittore said every window would have treatments; larger windows are typically adorned with roller blinds, he said, and he sees light filtering applied to those facing north. Mr. Vittore said the building would have no elevator. Chairperson Loftus asked if the ivy on the East façade is still there, and if so would they be retained, to which Mr. Vittore responded he believes they are still there and doesn't have any plans to remove them, unless maintenance prompts doing so. The Chairperson asked, from a constructability standpoint, how would windows be installed on the east side, lacking an easement from the neighbors. Mr. DeMuth indicated that windows can be installed from within, and that the biggest concern is clean up of debris. Referencing affordable housing, Mr. Cooper asked the anticipated rental rate of the units. Mr. Vittore said that while the price hasn't yet been established, the quality of the units will balance out with the accessible price point of the [existing] 413 building apartments, and that the Petitioner will look to the market for pricing the new "slightly nicer" units, but doesn't expect them to be "over-the-top expensive." Mr. DeMuth posited that access to the train is among the resources attractive to lower-income individuals.

Referencing the property line along the patios and public land near the parking garage, Chairperson Loftus asked about requirements for a barrier, such as opaque fencing. Ms. Purvis interjected that screening is not required to the north, but is to the east and south where the subject property abuts residential, though she acknowledged that a 6-ft. high security fence is shown in the plan. Mr. Vittore said a gate to prevent people who don't live in the building from wandering into the site, and indicated a line demarcating resident space. Chair Loftus asked if the gate would be installed on Village property; to which the Mr. Vittore replied affirmatively. Planning Manager Purvis said the gate was part of Civic Center parking garage negotiations, as were parking space allocations for the subject property building. Commissioner Vondruska conjectured that, since the exit is the second one out of the building in an emergency, that egress/ingress down the pathway will have to be easily accomplished. Mr. Vittore said he recalled conversation to the effect that the gates acted as a way to prevent people in an emergency from going east to a dead-end, but that people can exit west through a clear path out, but it prevents somebody in a panic from walking north and going east and getting stuck. Chairperson Loftus asked for confirmation that the corridor that gets out there is intended for the residents, not as part of the public walkway that would be created. Mr. Vittore said this is correct; the public would not have free access to that corridor. He said access would be through a security door, so if you're walking through the Pedway, in an emergency, for example, you would exit north past the parking garage.

Public Comment

Ms. Purvis read the following letter into the record:

Kurt & Kim Lagerloef, 544 Hillside Ave.: "We strongly oppose the windows on the east side of the building facing into our neighbors back yard. It is beyond me that this would be allowed considering the intrusion into their privacy as well as ours. I personally don't believe that obscured glazing should even be allowed due to the light pollution that would intrude on their property.

The other issue being the decks would certainly raise concerns of noise and lead to a degradation of our property values.

Please consider what our little part of Glen Ellyn has endured in the last few years with the parking garage and now another variance being requested.

Thank you for listening and your time.”

Kyle Goerschler, 556 Hillside Ave: *“I am requesting that you do not approve the proposed variances for 413 N Main St. in regards the windows on the east facing wall and the balconies on the north facing wall.*

Regarding the windows on the east wall:

There is a clear hardship and invasion of privacy that would occur to the residents of Hillside Ave, especially for the residents of 538 Hillside. These windows represent an imposed change to the very nature of the back half of the property at 538 Hillside. Privacy, comfort, and the ability to make their home their own will all immediately be stripped away upon installing these windows. The residents of 538 Hillside will be forced to visually share their lives with at least 4 separate family units. There is a clear drop in property value that will occur as a direct result of these windows as well. The subset of people who will be open to buying a house that so intimately shares its property is going to make this a much more difficult property to sell. These windows, beyond any doubt, introduce a significant hardship.

Regarding the balconies on the north wall:

Spending only a small amount of time in the alley adjacent to the north wall would help you understand the significant noise impact that these balconies will create. The construction of the parking garage has created an exceptionally loud sound tunnel for the residents at 538 Hillside. Even seemingly normal sound levels carry without hindrance through the alley and into the backyard space at 538 Hillside. These balconies represent a clear hardship as they directly impact the peace and privacy of the current residents. They would completely drown out the privacy of 538 Hillside.

Furthermore, I feel compelled to take a stand against the way these variances were pushed through without intellectual honesty. There is no evidence of hardship on the builder to suggest the need for these variances. There is no case to be made whatsoever that these changes are minimal and won't impact the current residents. Neither is there a case to be made the changes will be made without the residents of Hillside even noticing that they were there. Finally, I find it conspicuous that the east wall designs were not included with the rest of the changes to the building in the normal plan document. It seems clear here that is no way that the board can believe that these variances are in the best interest of the current residents.

Once again, I am requesting that you do not approve the proposed variances for 413 N Main St in regards the windows on the east facing wall and the balconies on the north facing wall.”

Anna Kreissler, 542 Hillside Ave.: *“I live at 542 Hillside, the house immediately East of the Rhodes. Following are my opinions of the variance requests for 431 N. Main St. for the addition of windows to the East facing wall and five new patios.*

We are private homeowners who choose to live in a house with private yard space and private living—no one directly above us or next to us—and we have privacy in our own yard. This is true even for our house that resides in the busy central business district. Zoning rules are in place so that we can live in the business district and still be afforded privacy. Anyone, actually, who chooses to live in a house as

*opposed to a multi-unit building, is afforded privacy in **and** around the outside space of their house. But if the variance for the new windows at 431 N. Main are approved this is no longer the case.*

If someone places a chair and sits in the Rhodes' backyard, for instance, that would be considered trespassing. But yet what the owner of 431 Main St. is requesting to do is precisely the same. The proposed variance essentially places the tenant of that unit directly in the Rhodes' backyard. And despite rules and restrictions created long ago by the Glen Ellyn Village to protect privacy, here we are with the Village Plan Commission already supporting this request. One supporting statement is the following, quote "The surrounding buildings and neighbors will likely be unaware of the conversion of space." How can you believe this is true?

The above is one of two issues. The addition of five patios is also seeking approval. Since the addition of the garage in our own backyard, noise coming from the North facing corridor between the garage and 431 N. Main has changed drastically. When people are conversing in that corridor I can't discern if they are on my back porch or in that corridor next to the garage, a good distance away, despite trees, fences, and other structures that could act as sound barriers. It's a noise nuisance far beyond what existed prior to the garage. And the owner has written unfound evidence that existing neighbors, quote "will not even be aware." Again, how can you believe this to be true?

There's nothing special about this construction project more so than any other when it comes to protecting existing neighbors' privacy and preventing an added nuisance for a new home construction project.

It's my intent here to sensitize the Plan Commission on these issues and of the current and future situations that may arise from new home owners and builders. Granting this variance completely rocks the privacy of a Glen Ellyn homeowner.

I emphatically request that our own Village Plan Commission, Glen Ellyn residents yourselves, do your job here to respect the existing codes that protect the privacy and prevent added nuisance to existing neighbors of a new living dwelling project, by denying the variance requests noted in this opinion letter."

Todd Kreissler, 542 Hillside Avenue: *"I would like the following noted and read into record during the variation meeting for the apartment building next to the 538 Hillside:*

Regarding the request to break Village code on this property:

- There will be a significant diminution of value to 538 Hillside in value due to the window and patio variation. Many potential buyers will walk away from any house purchase when a neighbor has windows immediately on their property line. The Rhodes backyard is beautiful, but that is lessened with lack of privacy. There are not many people that would want a neighboring multi-unit apartment with windows on their property line at eye level, a clear violation of the village code. This causes a severe lack of privacy creating a clear hardship on the immediate neighbors and decreases their home value.*
- The parking garage that was built 4.5 feet off the property line against code created a noise tunnel that passes through to 538 Hillside and then to 542 Hillside and beyond. Adding patios will add additional noise at many hours of the day and night traveling down the tunnel,*

diminishing the value of these homes, harming the owners without consideration of the hardship they will endure. What is your solution?

- *For years, 413 Main St. building was functioning until this point. I believe the building code requirements were likely in place when the building was last purchased so this is 1 of several reasons the codes should not be broken causing hardship to other neighbors. Essentially, the building is currently being operated as a business and a money maker. Some businesses make more money and some make less, but variations to code should not negatively impact, causing financial or new hardship to a neighbor.*

Please deny the request for variation."

Kim Severyns: *"Good Morning, I am contacting you regarding your proposed renovation at 413 N. Main Street.*

I am very concerned of the enormity of the changes to our "village" as a 4th generation resident of Glen Ellyn. While I believe that it is imperative we stay current with the times & trends, I also feel it is equally important that we respect our community and its residents and most importantly keep the feel of the "village." The addition of these apartments with their windows and patios will vastly change the backyards of residents for quite a span down Hillside Avenue. We have already experienced significant changes in evening lighting and noise from the new parking garage. This will only add to our lack of privacy and peace that we as Glen Ellyn residents hold at a high level of value. This, amongst many others, is why we choose to live in Glen Ellyn.

If Zoning Codes were established for the purpose for protecting and promoting the Comfort, General Welfare, Moral, Property Values & Public Health & Safety then CLEARLY approving these variances goes against that mission, especially for the residents of Hillside Avenue. The Zoning Variation Application Document shows no evidence of the applicant proving his case or demonstrating a hardship which is required for the variance to pass. The hardship that will occur will be to the residents of Hillside Avenue and mostly the residents at 538 Hillside Avenue.

I request that the Plan Commission Members deny the request for the above variations.

It takes a village to preserve 'the village.'"

Commissioner Cooper stated for the record that he rejoined the video portion of the proceedings at about the third letter, after suffering an internet crash at the time Ms. Purvis began reading the letters. He added, however, that he had been able to listen telephonically.

Sworn in, the following gave respective testimony:

Donna Rhodes, 538 Hillside, stated that she and her husband bought their home at this address in 1989, and that her private sanctuary of a back yard is threatened by the prospect of strangers joining them in the space, and potentially eight windows. To demonstrate the plan she suggests would be intrusive, she referenced an exhibit of a rendition that to show that she and her husband will be forced to plant tall bushes or use other methods to block windows, should the proposal go through. She urged the Commission to vote, "No" on the proposed variations.

Gregory Mark Rhodes, 538 Hillside, stated that all stores in the Village don't enjoy street frontage, naming the Little Shops as an example. Expressing concern over the proposed patios and balconies, he complained that the Village garage project has created a conduit for sound transmission directed to his property. He recommends replacing the planned patios with entrances to retail shops, which he insisted would be beneficial to downtown commerce. He expressed hope that the Commission would reject the subject requests for the zoning variations.

Roy Millonzi, 552 Hillside, stated that he is in support of the opposition to the plans for the balconies, windows and patios on the east side. He expressed concern about privacy, noise and character of the community, pointed to a perceived lack of consideration of the residents on Hillside, and recommended a reevaluation of the plan put forth.

Commissioner Questions

Wondering as to the condition of the subject property's basement, Commissioner Brown asked whether there would be storage available to apartment residents. Mr. Vittore replied that it's a typical basement, and that with renovations will present a storage opportunity. Mr. DeMuth said the proposed new central staircase would provide access to the basement, but there's also first-floor space that could accommodate storage. Chairperson Loftus asked how, if the plan is approved, construction equipment and materials would be moved in and out of the building to execute the conversation. Referencing the McMae's renovation, Mr. Vittore said he envisions a dumpster on Main Street, but added that he is open to direction from the Village. Ms. Purvis noted that a construction management plan is a recommended condition for approval and multiple Village Departments would be consulted on the construction plan. Commissioner Cooper asked for clarification as to whether something separated the parking lot from 538 Hillside before the Civic Center garage was built. Glen Ellyn Community Development Director Staci Springer, 535 Duane St., Sworn in, said that a 6-ft. wooden fence had. Commissioner Cooper asked for confirmation that no portion of the variance sought concerns the inclusion/exclusion of the windows. Ms. Purvis stated that this is correct, and that there are no requirements pertaining to the windows in the Zoning Code, but that from a Building Code standpoint they must be inoperable as they are on the property line. Mr. Cooper asked if it is appropriate for the Commission to be considering the issue of the windows which are not subject to the variance in connection with requests for other variances. Ms. Purvis said that because a Special Use is also requested, the question could be viewed through criteria pertaining to neighborhood impact. Mr. Halkyard asked if, this proposal didn't pass, could the owners add windows to the east side of the building for an event hall or retail use. Ms. Purvis replied they could, without coming before the Commission if the use is allowed by-right. To a question from Mr. Halkyard seeking Juliette balcony details, Ms. Purvis stated these do not allow room to step out of the apartments, but promote fresh air. Mr. Halkyard asked why the patio safety door is needed for a public space. Mr. Vittore replied that such prevents people exiting the Pedway from going east and people wandering back that way from restaurants. He said the public need has been determined to be for maintenance on the parking garage. Building staff, does not want an unsightly area, he said, and noted that a heightened fence on the east side could be a solution to buffer sound.

A motion made by Commissioner Cooper and seconded by Commissioner Brown to close the Public Hearing carried unanimously by roll call vote.

Commissioner Discussion

Saying he can't support the loss of 5,500SF of potential retail space on the first floor, Chairperson Loftus said he *would* support residences on the second and third floors. He conveyed that the Special Use requested results in a permanent conversion away from what he sees as a potentially great opportunity for commercial space. Commissioner Vondruska said he is less concerned about retail space so far back from the street, and that retail space will still exist on the subject property's west side. As a fan of preservation, he endorses the idea of reusing old windows. He said he thinks square windows might be raised to combat privacy concerns, and thinks noise might be diminished with landscaping. Encouraging the Board and Staff to work with the next door neighbors on solutions, he said could support the project as it stands. Commissioner Brown said that she appreciates the thought given to historic preservation, and that while she sympathizes with the Rhodes, seconds Commissioner Vondruska's suggestion that the Village Board to work with them. She said that perhaps a landscape credit or window modification could be an effective tradeoff and termed the proposed project a net positive for the downtown. Though the "tricky part" of the proposed is trying to make it work for all parties involved, said Commissioner Halkyard, he is generally supportive of the project, which he called "interesting." He expressed hope that concerns about windows are taken into consideration and said the Village should consider trying to soften the noise.

Declaring that he has reentered the conversation after being disconnected several times, Commissioner Saeed said he is in favor of downtown housing. He pronounced the proposed is a good use of space that has not been used in a long time, and said he supports the project. Commissioner Cooper said he is not concerned about losing the retail space, as it isn't particularly usable for retail. Though the desire for light in the apartment building is appreciated, he continued, there is sensitivity to neighbors' privacy. He said he supports the project. Chairperson Loftus cautioned against setting a dangerous precedent of converting downtown retail space to housing. In response to discussion of potential conditions for windows, Director Springer suggested directing windows be placed a certain point above head/floor level, while Ms. Purvis thought a filter solution might serve as a solution. Commissioner Halkyard wondered about noise issues. Director Springer replied that the Petitioner is required by Special Use to address this, but Staff could perhaps look at the situation since a noise-prone environment has already been created. Commissioner Brown suggested a condition to direct the Petitioner to work with the Historical Society during the renovation. After Commissioner Cooper expressed reluctance to develop an architectural plan in committee fashion, Developer Springer suggested a condition directing Staff to work with the Petitioner on window solutions, and Commissioner Vondruska moved for the following:

After conducting a public hearing and deliberating on the requests of the petitioner, Nick Vittore of Svigos Asset Management, on behalf of 413 Main LLC, for approval of a Zoning Map Amendment, a Special Use Permit and Zoning Variations, all to allow the construction of 12 loft-style apartments within the back half of the existing building located at 413 N. Main Street, the Plan Commission hereby recommends approval based upon the findings of fact, as discussed or amended at the Plan Commission public hearing on January 27, 2022, which are hereby incorporated into this Motion by reference as

though fully set forth herein, and a copy of which will be attached to the minutes of this meeting and kept on file as part of the permanent records of the Village. The Plan Commission makes this recommendation of approval with the following conditions:

1. That prior to the issuance of a building permit the petitioners will pay the appropriate Developer Donations to Village taxing bodies.
2. That the project be constructed in substantial conformance with the plans and testimony presented at the Plan Commission public hearing and before the Village Board of Trustees.
3. That prior to the issuance of a building permit, a construction management plan must be prepared, and reviewed at a pre-construction meeting, and approved by the Police, Fire, Public Works and Community Development Departments.
4. That if any rooftop units are visible from the public right-of-way, they shall be screened as appropriate.
5. That the Developer will work with the Historical Society during construction of the project to pass along any items of interest to the Historical Society.
6. Prior to Village Board consideration of the project, Staff will continue to work with the Architect and Developer to come to a solution for the windows that addresses the neighbors' concerns expressed at tonight's meeting.

Seconded by Commissioner Saeed, the motion passed by roll call vote, with Commissioners Vondruska, Saeed, Brown, Halkyard and Cooper voting, "Yes," and Chairperson Loftus, voting, "No."

Trustee's Report

Steve Thompson said the Board approved the Harding-Glen Townhomes, and that workshop discussion has focused on an Architectural Review Commission process, where to apply American Rescue Plan Act funding, and the Village's lead pipe infrastructure and work Public Works is doing to identify public and private installations. A charrette to redevelop the Roosevelt Road hotel site, he added, is planned.

Chairman's Report

Chairperson Loftus said work continues to find someone to fill the vacant position on the Commission.

Staff Report

Planning Manager Purvis said the Feb. 10th meeting agenda features Special Uses for outside merchandise storage at Pete's Market and the BP TRIO, and a pre-app for an office building across from the Civic Center. A sign variation will be presented on Feb. 24th, she added, and possibly a pre-app for a potential townhome development. Chairperson Loftus asked that plans for the BP consider accessibility of emergency shut-offs for pumps, to which Ms. Purvis replied that accessibility could be made a condition of approval, and that approval for outside storage is specific about location.

Adjournment

Chairperson Loftus adjourned the meeting at 9:31 p.m., following passage by roll call vote of a motion to adjourn made by Commissioner Vondruska and seconded by Commissioner Halkyard.

Respectfully submitted,

Barbara Dutton-Thomas
Recording Secretary

- Efforts should also be made to expand the “east-west dimension” of the pedestrian shopping area along Pennsylvania, Duane, and Crescent west of Main Street. Several potential redevelopment sites along these east-west streets are highlighted in a following section. Retail and pedestrian-oriented service uses should be located on the ground floor of all buildings within this area.
- To the extent possible, offices and freestanding service uses should be located around the periphery of the commercial area. Offices would also be appropriate on the upper levels of commercial buildings throughout Downtown.
- The northwest quadrant of Downtown should be reorganized and redeveloped as a coordinated office and service area anchored by the Glen Ellyn Clinic, Ameritech and other uses.
- The Glen Theater, which adds to the character and vitality of Downtown and represents an important entertainment attraction within the area, should be maintained and enhanced.

- Attractively designed and compatibly scaled multi-family residential uses should continue to be located at appropriate perimeter sites, providing a transition between commercial uses and adjacent neighborhoods. Residential uses contribute significantly to the overall character of Downtown, add life and vitality to the area, and provide a built-in market for many Downtown stores and shops. Safe, attractive and convenient sidewalk

connections should be maintained between nearby residential areas and the commercial area.

- Public and institutional uses also contribute to the character of Downtown and help make it a true “multi-purpose” focal point for the entire community. Public buildings and churches should continue to be accommodated on sites around the periphery of the commercial area. Compatible new public and social service facilities would also be appropriate in these locations.

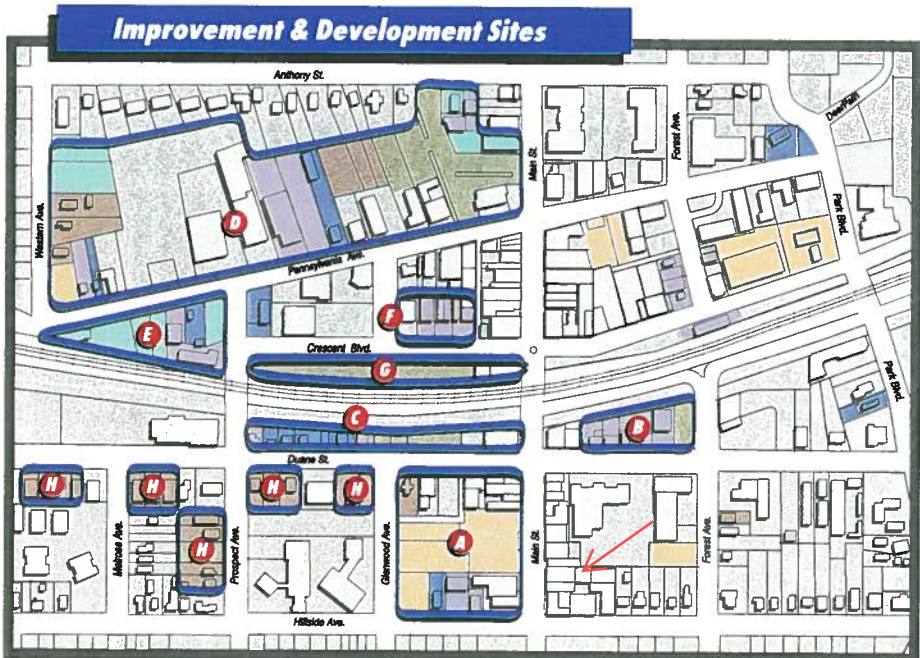
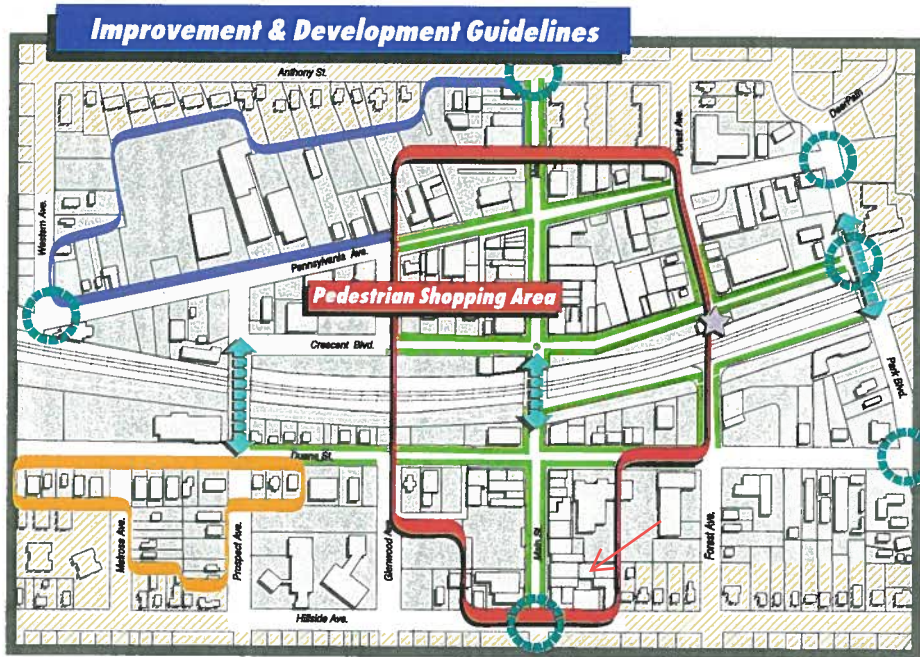
EXISTING SITES and BUILDINGS:

- Buildings with architectural and historic interest should be preserved and protected where possible. Much of the Downtown’s charm is due to the concentration of early 20th century buildings and these structures should be recognized as important community resources.
- The overall level of building maintenance within Downtown should be improved. Many buildings, including several with historic interest, are characterized by deferred maintenance, and repairs should be undertaken where feasible.
- Small existing commercial buildings add to the interest, diversity and character of Downtown. Small commercial spaces should continue to be made available for start-up businesses, niche market stores and other small businesses. However, marginal, underutilized and obsolete properties could be redeveloped for new retail, service, office, residential or open space uses.

- In addition to structural repairs, the storefronts of existing buildings should be improved to enhance the image and appearance of the Downtown, and to help visually unify stores and businesses within the same block. Storefront improvements might include special façade treatment and the coordination of colors, materials, signage, awnings and canopies, and related design features.
- In most cases, improvements and additions to older existing buildings should reinforce and enhance the original architectural qualities, characteristics and proportions rather than apply new or different stylistic treatments.
- The predominant color for most Downtown buildings should be relatively subtle; the natural brick and stone colors of red, buff and cream should predominate. Very dark and very bright colors should be discouraged unless there is a clear historic precedent. The selection of colors on individual buildings should complement the predominant hues of adjoining buildings.
- The rear portions of all commercial properties should be clean and well maintained. Rear entrances to stores and shops should be encouraged, particularly in blocks where public parking or pedestrian walkways are located behind the buildings. Trash receptacles, dumpsters, service areas and outdoor storage facilities should be well maintained and attractively screened.
- The use of landscaping and other attractive screening should be encouraged to improve the area.

Figure 13

Downtown: Improvement Guidelines



Improvement Guidelines:

Continue to improve and enhance the heart of Downtown as a pedestrian-oriented shopping and business area.

Reorganize and redevelop the northwest quadrant of Downtown as an attractive and convenient office and service area.

Continue streetscape and other design enhancements, particularly along the east-west streets within Downtown.

Provide "gateway" design features that denote entry into the Downtown and delineate its boundaries.

Work with Metra to replace the existing commuter station with a new Downtown facility.

Improve pedestrian connections between the north and south sides of Downtown.

Promote replacement of older structures with high-quality townhomes and similar multi-family developments.

Maintain, preserve and protect surrounding neighborhoods. (See text for additional improvement and development guidelines)

Improvement & Development Sites:

Projects either underway or being discussed (see accompanying text).

Vacant buildings and land parcels should be reused or redeveloped.

Marginal and underutilized properties should be reused and upgraded or replaced with new development.

Residential properties that may be subject to redevelopment.

Surface parking lots along the frontage of primary shopping streets should be considered for new development.

Sound and viable businesses that would benefit from building or site improvements.

Clusters of properties that may represent special opportunities for improvement or development.

Market Niche for Downtown Glen Ellyn

Increasing the stock of Downtown housing, and encouraging the retention and expansion of existing retail and office businesses, to create a sustainable Downtown, requires a concentration and linkage of uses and improvements to the public realm that mutually reinforce development, redevelopment, and property enhancements. Unlike the traditional sequence of development, recommended actions will begin with a program to create an increasingly magnetic mixed-use agglomeration focused on residential, eating and drinking places, entertainment, and recreational and cultural activities.

Primary Challenge: Creating a Critical Mass of Compatible Uses

Retaining and attracting unique eating and drinking, and cultural and recreational uses, in a mixed-use environment represents the primary potential market challenge for Downtown Glen Ellyn. From a consumer's perspective, a successful Downtown serves as an anti-mall agglomeration. Eating and drinking places represent a relative strength that differentiates the Downtown from standard retail formats found outside of the Downtown. Encourage additional restaurants and cafes offering opportunities for outdoor eating and drinking.

The basic building block of eating and drinking places should be augmented with the retention and enhancement of existing entertainment and recreational-oriented uses such as the Glen Art Theatre and the attraction of additional entertainment and recreational uses. The Illinois Prairie Path and nearby Lake Ellyn also serve as recreational-oriented uses.

The mixed-use aspect, including housing, (the occupants of which reinforce demand for retail and eating and drinking and entertainment establishments, and include decision-makers for professional office space demand and sources of labor), create a dynamic environment and multi-purpose visits. Adding housing Downtown is especially important given the surrounding area is substantially built-out and population growth is likely to be limited. The creation of multi-family housing will serve the needs of empty nesters and younger-aged, smaller-sized households.

Recommended Priority Strategies and Actions

Several kinds of actions will encourage the evolution of Downtown from its historic functions to the newer role that the Downtown can serve to the benefit of its residents and local economy.

Increase the Number of Downtown Residential Living Opportunities

The size or scale of the potential demand sources suggest that once confidence increases, the credit market seizure ends, and the national housing market recovers, even a relatively small capture rate within the primary market area of Glen Ellyn and Wheaton would support the development of more new housing than has been than has been created or built in Downtown Glen Ellyn in recent decades. If, for example, housing built Downtown captures 20 percent of the potential demand of the 2,300 empty-nester, younger age², and single/divorced professional households with the potential to move in the next five years, this would equate to on average approximately 91 housing units per year or a total of 456 additional units over five years.³

Encourage a Critical Mass of Restaurant, Entertainment, and Retail Uses and Events

The challenge will be to attract a critical mass of eating and drinking-related establishments, stores, and services that have unique attractions or drawing power and are not readily duplicated in competing locations. New commercial space in the Downtown will need to capture demand now being realized by existing shopping agglomerations, and should be constructed to meet the needs of modern retailers. National retailers prefer locations on Roosevelt and Butterfield Roads, and in or adjoining nearby regional malls such as Oak Brook Mall, Yorktown Center in Lombard, and specialty centers such as Wheaton Town Square which offer greater accessibility, visibility and agglomeration advantages than does Downtown Glen Ellyn. Locations in or near the regional-serving centers serve to generate spill-over benefits for retailers part of the agglomerations or cluster of retail uses.

² First-time home buyers, and 20- and 30-something young professionals.

³ See Appendix B: Market Analysis and Strategic Action Plan for Downtown Glen Ellyn, Page 53.

4. Increase the amount of Downtown office space that attracts small and growing businesses.
5. Create new Downtown amenities by increasing recreation and parkland opportunities.
6. Increase the number of cultural events and activities that could make Downtown Glen Ellyn a destination for residents and non-residents alike.
7. Eliminate the perception of government-imposed obstacles to operating a business and reinvesting in private property in the Downtown.
8. Establish safe and efficient pedestrian, bicycle, and automobile traffic and access patterns to, through, and from the Downtown.
9. Improve the sufficiency and convenience of the Downtown parking supply north and south of the tracks.
10. Establish a distinguishing feature in the Downtown that differentiates Glen Ellyn's Downtown from other communities' downtowns.
11. Establish a Downtown implementation funding plan to ensure that reinvestment occurs and initiatives are achieved.

Strategies and Measures

Strategies are important to the implementation of the *Downtown Strategic Plan*, because they identify specific action items to make the goal and objectives a reality. Measures are tangible items that are outcomes of the strategies. The following strategies and measures correspond to the list of objectives:

1. Retail in a mixed-use setting that includes office and housing creates a dynamic environment and multiple-purpose visits. Retain and attract a retail mix for the Downtown that includes unique eating and drinking establishments and also provides outdoor eating and drinking opportunities. Retain and enhance entertainment and recreational uses such as the Glen Art Theatre, Illinois Prairie Path, and Lake Ellyn.

Measure: Reduce the Downtown vacancy rates, ensure a no net loss of retail, restaurant, and entertainment tenant space in the Downtown; incorporate such uses in the first floors of mixed-use buildings; ensure that new commercial space is built to meet the needs of modern retailers; and manage the utilization of Downtown core business hours.

2. New housing opportunities in the Downtown increases the population base in the community without encroaching on the surrounding single family neighborhoods. Since the surrounding area is substantially built-out, and the limited population growth will primarily result from the movement of empty-nester, younger-aged, and smaller-sized households, the Downtown is an ideal location for increased housing opportunities.

Measure: Construct a minimum of 450 new dwelling units in the Downtown.

3. Buildings deteriorate over time in the absence of proper maintenance and renewal. In the past, sufficient maintenance and renewal did not occur. Interior upgrade needs include heating/ventilation/air conditioning systems, telecommunications, electrical, plumbing, and interior finishes. Exterior upgrade needs include historic restorations, historically-sensitive façade upgrades, awnings, signage, and rooftop repairs.

Measure: Establish a historic district in the Downtown core area. Make available financial incentives to business owners and property owners in the form of grants, low-interest loans, and/or tax credits, for building maintenance, renovations, and upgrades. This includes incentives for historic or landmarked properties within a historic district. The EDC currently offers grant programs to assist with exterior façade improvements and interior renovations. These programs should continue, and possibly be enhanced.

4. The benefits of having office users in the Downtown includes the opportunity for residents to walk to work, having a daytime and early evening population base to eat in Downtown restaurants and shop in stores. In

Downtown Glen Ellyn

Vision for Downtown

Downtown is the heart of Glen Ellyn and is established as the Village’s central business district. The area is home to dozens of businesses from retailers and service providers, to restaurants and professional offices, as well as several multi-family properties. An emphasis should be placed on maintaining existing character while facilitating more intensive development that increases the number of people living and working in the Downtown.

While the area has numerous one-story commercial buildings, three- to six-story mixed use redevelopment that includes ground floor commercial uses complemented by residential or office on the upper floors should be encouraged. Ground floor uses that add to activity at the street level such as retail, restaurants, and entertainment, should continue to be prioritized. The Village and its partners should also continue to implement streetscaping and other public realm improvements that enhance the Downtown’s overall curb appeal while ensuring that new development contributes positively to the pedestrian experience. In addition, the existing Tax Increment Financing (TIF) District should be leveraged to its fullest extent until its current expiration in 2035.

Downtown is the heart of Glen Ellyn and an emphasis should be placed on maintaining existing character while facilitating more intensive development that increases the number of people living, working, shopping, and dining in the Downtown.



Hallmarks of a Great Downtown

Whether they serve a community of 10,000 or 100,000, great downtowns share several common characteristics that can be used as a barometer for success.

- **Pedestrian-oriented environment (safe, attractive, easy).** Successful downtowns provide a comfortable atmosphere where strolling between businesses, wandering between local attractions, or walking to work is a safe, enjoyable, and convenient experience. The Downtown and surrounding area fall within a “pedestrian shed,” a quarter-mile radius in which people can walk five minutes to numerous shops and activities for daily living rather than drive a car. A pedestrian-oriented environment helps a downtown function as a complete unit. Simply put, the less you have to park or drive once you arrive in a downtown, the more likely you are to stay there and spend time and money at multiple destinations.
- **Mix of uses in close proximity.** A mix of retail and office spaces, restaurants, service providers, and residential development contribute to activity in a downtown throughout the day and evening. Vibrant downtowns benefit from a steady flow of commuters coming and going during rush hour, employees keeping an area active during the workday and lunch hours, and visitors and residents keeping things active during the evenings and weekends. Compact development that includes easy-to-walk blocks and a collection of uses within a small area further concentrates the sense of activity within the downtown and creates an atmosphere that is attractive to visitors and new investors alike.
- **Available, easy to access parking that doesn’t dominate the visual landscape.** The best downtowns have parking that you know is there as a driver, but don’t notice as a pedestrian. They reserve their main streets for buildings and people, and place off-street parking to the rear or interior of the block or off of side streets. Clear signage directs visitors to parking and landscaping is used to soften parking edges and breakup paved areas. Parking areas that can be shared by multiple users (residents, employees, visitors) are key to providing a “park once” downtown that supports streetlife.
- **Increased residential densities.** Downtown residents play a key role in reaching a critical mass of potential patrons for local retailers and restaurants. Higher density residential development complements retail and office uses, providing a 24-hour customer base to support downtown amenities.
- **Multi-story buildings.** The mix of uses and increased density that successful downtowns require is not possible without multi-story buildings. Multiple floors are needed to provide for vertical integration of uses and allow for more development in a more compact, more vibrant environment. The streetwall of taller buildings that forms along popular main streets also interacts with the pedestrian environment, providing a sense of enclosure, comfort, and visual interest.
- **Continuous street edge.** Buildings located side-by-side along a corridor form a street edge that frames and activates the public realm. A consistent street edge along a downtown’s primary streets establishes the level of visual interest along a block and provides desirable sense of enclosure and helps foster a comfortable, inviting, and pedestrian friendly atmosphere.
- **Convenient access to transit (if transit is available).** While not a universal requirement, many great downtowns are built upon a solid transit network. In suburban downtowns, regional transit provides potential to generate commuter traffic that bolsters downtown business. The key to capturing this potential lies in providing local access points to commuter parking facilities and a compact street grid in the surrounding area, functioning like capillaries between the regional traffic and local businesses.

While Glen Ellyn has an attractive downtown that checks many of these best planning boxes, there is still room for growth and improvement. Downtown Glen Ellyn has not witnessed new development and reinvestment on par with surrounding peer communities and efforts should be made to improve the downtown environment as it relates to successful downtown planning attributes.

Downtown Market Demand

The residential and retail market for Glen Ellyn was analyzed to determine potential for new development in the Downtown.

Housing

A market analysis was conducted to determine the potential for new multi-family development within Downtown Glen Ellyn. This analysis identified an assessment of a regional market consisting of surrounding and nearby municipalities including Downers Grove, Lisle, Lombard, Warrenville, Wheaton, and Winfield, as well as DuPage County as whole.

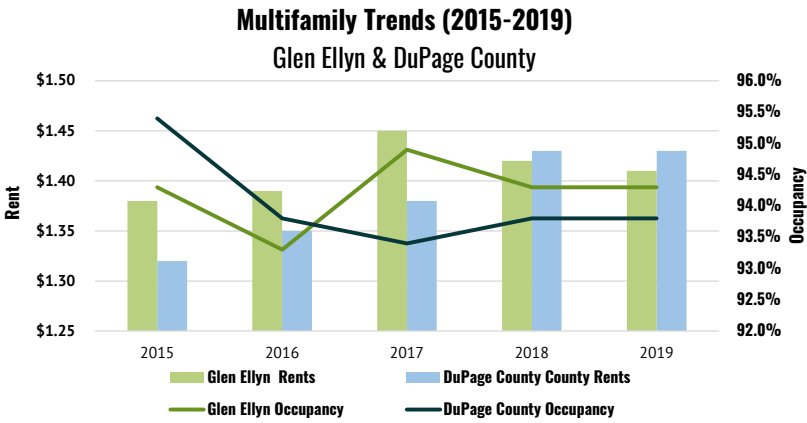
Consistently high multi-family occupancy rates (above 93 percent) in both Glen Ellyn and DuPage County suggest a strong multi-family market. Rents per square foot have also grown consistently between 2015 and 2019. Both factors indicate the ability to sustainably accommodate additional multi-family housing.

Housing Demand

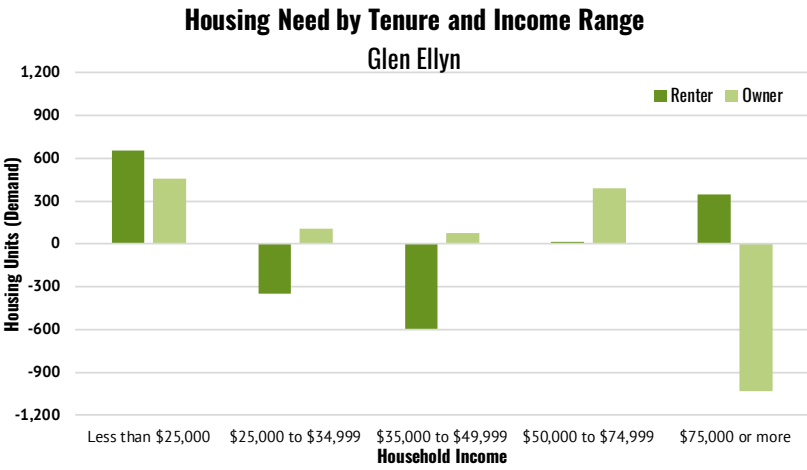
An affordability analysis of the residential market was conducted separately for owners and renters to determine more direct needs for each householder type. This analysis compares the number of existing occupied housing units within different home value/rental ranges, with the number of households within corresponding income ranges. It applies a benchmark of 30 percent allocation of income toward housing and then analyzes the number of housing units in the area that meet the criteria.

Based on these criteria, the rental market exhibited the greatest potential for both lower and high-end product. Given the development economics of new construction, market rate Downtown development may cater to the need at the high end of the market unless affordable housing is supported or incentivized by the Village. Per the Residential Areas Framework (*Chapter 3: Land Use & Development*), additional housing opportunities should be encouraged elsewhere in the Village to help meet market demand for lower income groups.

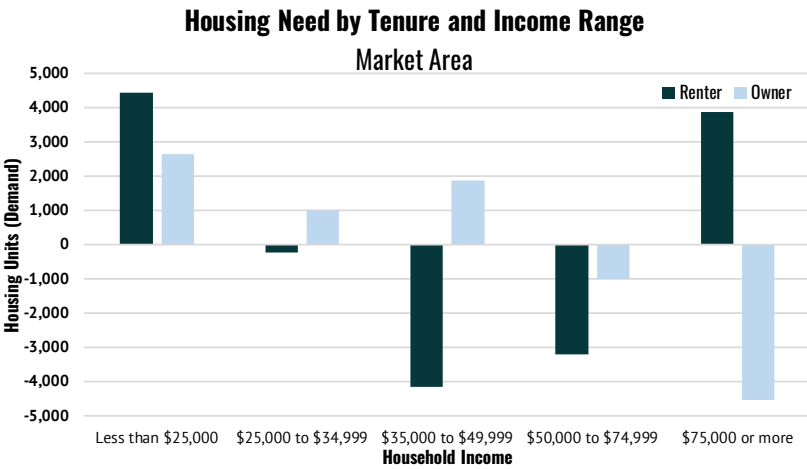
The Village is well positioned to capture a proportionate share of regional demand for higher end apartment units. The current under supply of this product type may be limiting potential for new households to move to Glen Ellyn; however, there is also a general under supply within the larger market area and development could provide the Village with the opportunity to capture additional households. In addition to addressing growing demand from young professionals, singles, and empty-nesters, the addition of higher priced product will benefit the Village in additional tax revenue generation and expenditures on dining and shopping, sustaining downtown businesses. Furthermore, the Village’s growing reputation as a dining and entertainment destination enhances the desirability of living Downtown.



Source: CoStar



Source: Houseal Lavigne and American Community Survey



Source: Houseal Lavigne and American Community Survey

Retail & Restaurant

The retail market was analyzed in two parts: a gap analysis of drivetimes from Downtown Glen Ellyn and an overall trend analysis comparing the Village, DuPage County, and the Chicago Region. The ten-minute drivetime depicts a reasonable market area for a suburban downtown in a competitive developed region. The gap analysis indicates potential for retail as well as dining and drinking establishments, with positive values indicating opportunity and negative values indicating surplus. These uses can build off of existing development as well as complement the recommended additional Downtown residential uses.

Within the 10-minute drivetime, the gap analysis indicates strong retail potential for all sectors except building materials and supplies, office supplies and stationary, and used merchandise. This leaves a wide array of options available for new retail stores or existing store expansions in Glen Ellyn, including significant opportunity for restaurants and drinking establishments. These types of businesses would complement the recommended additional multi-family development in Downtown Glen Ellyn.

Grocery stores also have nearly 26,000 square feet of potential, which would greatly benefit additional residential development in Downtown, particularly with the closing of McChesney & Miller Grocery Store in 2014.

While the gap analysis highlights great potential for many uses, it should be noted that large retail areas, including Roosevelt Road, are located within 15 minutes of Downtown Glen Ellyn and currently compete for the same potential. The 15-minute drivetime market area has a large retail supply that results in a surplus, indicating that many potential Downtown customers currently satisfy their retail needs elsewhere. This imbalance within the market area retail gap data signals competition for Downtown businesses, but also potential demand that could be recaptured if Downtown businesses are properly positioned to take advantage of downtown amenities or draw from a local market of patrons.

Potential Redevelopment Sites

The following list identifies redevelopment opportunities within the Downtown subarea. These sites present the opportunity to increase desirable uses within the Downtown in line with the Village's vision:

- 1 Commercial and office uses, vacant land. This property in whole or in part would be appropriate for single-family attached development. As an alternative, the northerly two lots could be developed with single family attached units and the frontage along Pennsylvania Avenue could be redeveloped with commercial uses.
- 2 Office uses and detached single-family homes. This area should be redeveloped in whole or in part to include commercial and office development. Some of the office buildings are in good condition and could remain. Medical and dental offices could be encouraged due to proximity to DuPage Medical Group's office building.
- 3 AT&T office/facility. If this site becomes available it should be redeveloped into an office or commercial building.

- 4 A small commercial building, a historic single-family residence that has been converted into a business, a dental office, and a small park. As many parcels as possible should be combined to create a new development on this site. Commercial and service uses would be appropriate in this location to support downtown residents.
- 5 Small commercial buildings. This site, while small would be appropriate for a mixed use building with commercial on the first floor and residential units above. The site could also be redeveloped for a commercial or office use.
- 6 Detached single-family structures. These properties should be assembled and redeveloped as a small single-family attached development similar to the property directly east.
- 7 A single-family home and an office building. This site would be appropriate for a mixed use development including first floor commercial use with office or residential use on the upper levels.
- 8 St. Petronille parking lot, and two office buildings. This site could be appropriate for a mixed use or multi-family residential development with structured parking.

- 9 Commercial buildings in the National Register District. These buildings should either be improved and maintained or redeveloped with a commercial or mixed-use building.
- 10 Funeral home with large surface parking lot, detached single-family home and an office use. The site could be combined with the multi-family residential housing to the east to create a multi-family residential development or a mixed use building.
- 11 Glen Ellyn Post Office and small commercial building. The Post office and the small commercial site to the north should be redeveloped into a commercial building.
- 12 Village Parking Lot, and various office and commercial uses. This site could accommodate a mixed use development or could be an appropriate location for a structured parking garage on the north side of the tracks
- 13 Small commercial buildings. Commercial redevelopment is appropriate for this site.
- 14 Multi-tenant buildings containing office and service uses. This site would be appropriate for a commercial or mixed use redevelopment.
- 15 Automotive and office uses. This site would be appropriate for a commercial or mixed use redevelopment.





VILLAGE OF GLEN ELLYN

Zoning Map Amendment And Zoning Code Text Amendment Application Packet

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

APPLICATION FOR ZONING MAP AMENDMENT

CLEAR PAGE

You may attach separate sheets as needed to answer any of the following questions.

The undersigned petitions the President and Village Board of Trustees of the Village of Glen Ellyn, Illinois, to consider the Zoning Map Amendment described in this application.

Date Filed: **04/30/20** Application No: _____

Name of Applicant: **413 Main LLC c/o Svigos Asset Mgt Inc**

Address of Applicant: **1 W. Dundee, Suite 200 Buffalo Grove IL 60089**

Business Phone No.: **8477350656** Home Phone No.: _____

Mobile Phone No.: **3124796130** Fax No.: **8477358060**

Property Interest of Applicant: **Property Mgr**

(Owner, Contract Purchaser, Owner Representative)

Name of Property Owner: **413 Main LLC**

Address of Owner: **1 W. Dundee, Suite 200 Buffalo Grove IL 60089**

Phone No. (Business): **8477350656** (Home): _____

Mobile Phone No.: **3124796130** Fax No.: **8477358060**

Address of Property: **413 N. Main Street**

Legal Description of Property:

of the south 19.96 ft of lot 1 and all of lot 2 (except the south 29.96 feet therefor) in the subdivision of lot 6 in block 12 in assessment division of section 11, township 39 north, range 10 east of the third principal meridian, according to the plat thereof recorded April 7, 1906 as document 87151, in Du Page County, Illinois.

Lot Frontage: **50** Lot Area: **10600**

Present Use: **Mixed Use Residential and Commercial**

Requested Zoning: **C5B For a Portion of the Building**

Requested Use/Construction: **The building's front on Main St is zoned C5A and back part of building is C5B. We are requesting that a portion of the building in the C5A district to be rezoned to C5B to accommodate ground floor residential units.**

Estimated Date to Begin New Use/Construction: **06/01/20**

Name(s), Address(es), and Phone No(s). of Experts (architects, engineers, etc.):

**Ken Demuth - Architect
Pappageorge Haymes Partners
640 N. La Salle Chicago IL
312 337 3344**

Narrative Statement evaluating the economic effects on adjoining property, the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property, a discussion of the general compatibility with the adjacent and other properties in the district, the effect of traffic, and the relationship of the proposed use to the Comprehensive Plan, and how it fulfills the requirements of paragraph (E) of Section 10-10-13 of the Zoning Code:

The economic effects of converting the former Masonic Hall into loft style residential apartments will be positive. The downtown business district needs an increased and sustainable amount of pedestrian foot traffic. Apartments renters tend to heavily frequent local shops and restaurants especially if they are walking distance.

Residential apartments will not create any noise, glare, odor, fumes or vibration.

The use is compatible with all the adjoining buildings which are either residential or mixed use.

We do not foresee a noticeable increase in traffic as a result of the 12 units. There will be more foot traffic at the downtown shops.

The proposed use promotes the GE Comprehensive Plan by increasing the number of shoppers.

Discuss the Requested Zone Change with Respect to Each of the Following:

1. Identification of the existing uses of property within the general area of the affected property:

The general area of the affected property are residential, multifamily and retail/commercial.

2. Identification of the zoning classification of property within the general area of the affected property:

The building currently has 2 different zoning classifications of C5A & C5B. Surrounding buildings also include R2.

3. Determination as to the suitability of the property in question to the uses permitted under the existing classification or district and under the proposed classification or district:

This portion of the property does not have frontage on Main Street it is not suited for any commercial or service use and it has been vacate for several years.

4. The trend or development, if any, in the general area of the affected property, including changes, if any, which have taken place since the date the affected property was placed in its present zoning classification or district:

The area is trending heavily towards residential apartments with the approval of the Apex 400 project across the street.

5. The trend or development, if any, as to the proposed uses of property within the general area of the affected property, as represented on the Comprehensive Plan:

New Loft Style apts will increase pedestrian foot traffic downtown supporting the vibrant downtown shopping, retail, and restaurant atmosphere inline with the Comprehensive Plan.

6. The length of time the property has been vacant as zoned, considered in the context of the land development and the area surrounding the subject property:

The 2nd floor has been vacant for over 10 years. The 1st floor has been vacant for 4 years.

7. The extent to which property values are diminished, if at all, by the particular zoning restrictions:

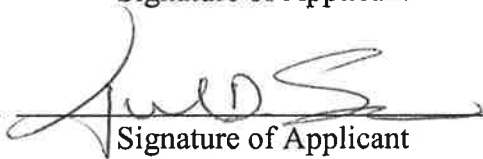
The property value is diminished by over 50% seeing that 50% of the building is currently vacant and has been for over 4 years.

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

I (We) consent to entry in or upon the premises described in this application by any unauthorized official of the Village of Glen Ellyn for the purpose of inspection.

I (We) consent to pay the Village of Glen Ellyn all costs incurred for transcribing the public hearing on this application.

I (We) understand that no final action shall be taken by the Village Board subsequent to the public hearing until and upon payment of transcribing fees.

_____	Nick Vittore	
Date	Print Name	Signature of Applicant
_____	Paul Svigos	
Date	Print Name	Signature of Applicant

Date	Print Name	Signature of Applicant

**THE BEST INTERESTS OF THE APPLICANT WILL BE SERVED
BY COMPLETEING THIS APPLICATION IN DETAIL**



VILLAGE OF GLEN ELLYN

Special Use Permit Application Packet

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

APPLICATION FOR SPECIAL USE PERMIT

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The undersigned petitions the President and Village Board of Trustees of the Village of Glen Ellyn, Illinois, to consider the Special Use described in this application.

Date Filed: **04/30/20** Application No: _____

Name of Applicant: **413 Main LLC c/o Svigos Asset Management, Inc.**

Address of Applicant: **1 W. Dundee, Suite 200 Buffalo Grove IL 60089**

Business Phone: **847 735 0656** Fax: **847 735 8060**

Home Phone: _____ Mobile Phone: **312 479 6130**

Email: **svigosoffice@gmail.com, nick @svigos.com**

Property Interest of Applicant: **Property Mgr**

(Owner, Contract Purchaser, Owner Representative)

Name of Owner: **413 Main LLC**

Address of Owner: **1 W. Dundee, Suite 200 Buffalo Grove IL 60089**

Business Phone: **847 735 0656** Fax: **847 735 8060**

Home Phone: **312 479 6130** Mobile Phone: _____

Email: **svigosoffice@gmail.com, nick @svigos.com**

Property Address: **413 N. Main Street**

Legal Description of Property:

of the south 19.96 ft of lot 1 and all of lot 2 (except the south 29.96 feet thereof) in the subdivision of lot 6 in block 12 in assessment division of section 11, township 39 north, range 10 east of the third principal meridian, according to the plat thereof recorded April 7, 1906 as document 87151, in Du Page County, Illinois.

Permanent Index No. (PIN): **05-11-328-008-0000** Zoning: **C5A & C5B**

Lot Dimensions: **50x212** Lot Area: **10,600**

Present Use:

Mixed use retail and residential apartments & former Masonic Hall is vacant commercial.

Requested Use/Construction:

Residential loft style apartment in the former Masonic Hall Portion of the Building

Estimated Date to Begin New Use/Construction: **06/01/20**

Name(s), Address(es) and Phone No(s). of Experts (architects, engineers, etc.):

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**Ken DeMuth - Architect
Pappageorge Haymes Partners
640 N. LaSalle Chicago IL
312 337 3344**

Narrative Statement evaluating the economic effects on adjoining property, the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property, a discussion of the general compatibility with the adjacent and other properties in the district, the effect of traffic, and the relationship of the proposed use to the Comprehensive Plan, and how it fulfills the requirements of paragraph (E) of Section 10-10-14 of the Zoning Code:

Converting the former Masonic Hall into loft style apartments will be economically positive. The downtown business district needs an increased and sustainable amount of pedestrian foot traffic. Apartments renters tend to frequent local shops and restaurants especially if they are within walking distance. Residential apartments will not create any noise, glare, odor, fumes or vibration. The use promotes the comprehensive plan.

Describe How the Special Use:

1. Will be harmonious with and in accordance with the general objectives, or within a specific objective of the Comprehensive Plan and/or this Zoning Code:

Promoting more pedestrian foot traffic and shopping is harmonious and in accordance with the Comprehensive plan of a vibrant downtown.

2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area:

The design and construction of the loft style apartments will provide a much needed renovation for the building. The character of the area will not change.

3. Will not be hazardous or disturbing to existing or future neighborhood uses:

Residential loft style apartments will not be hazardous or disturbing.

4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services:

The use is in line with the other portions of the building and surrounding apartment buildings. The building envelope is not changing.

5. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the Village:

The building envelope is not changing and there will be no detrimental impact to the economic welfare of the Village.

6. Will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors:

The conversion to residential apartments will not be detrimental to any person property or general welfare. Any impact during construction will be temporary.

7. Will have vehicular approaches to the property, which shall be so designed as not to create an undue interference with traffic on surrounding public streets or roads:

Main street is a main thoroughfare and we do not foresee any significant increase in vehicle traffic.

8. Will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief:

The building envelope will not change.

9. Will not result in destruction, loss or damage of natural, scenic or historic features of major importance to the community:

The conversion will not destroy but restore the building.

CLEAR PAGE

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

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

I (We) consent to pay the Village of Glen Ellyn all costs incurred for transcribing the public hearing on this application.

I (We) understand that no final action shall be taken by the Village Board subsequent to the public hearing until and upon payment of transcribing fees.

<u>4/30/20</u> Date	<u>Nick Vittore</u> Print Name	<u>Nick Vittore</u> Signature of Applicant
<u>4/30/20</u> Date	<u>Paul Svigos</u> Print Name	<u>Paul Svigos</u> Signature of Applicant
<u> </u> Date	<u> </u> Print Name	<u> </u> Signature of Applicant

**THE BEST INTERESTS OF THE APPLICANT WILL BE SERVED
BY COMPLETING THIS APPLICATION IN DETAIL**



VILLAGE OF GLEN ELLYN

Zoning Variation Request Packet

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

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

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APPLICATION FOR VARIATION

For the property at **413 N. Main Street** 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 of paper 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: **413 Main LLC c/o Svigos Asset Mgt Inc.**
Address: **1 W. Dundee, Suite 200 Buffalo Grove IL 60089**
Home Phone No.: **8477350656** Cell Phone No.: **3124796130**
Fax No.: **8477358060**
E-mail: **svigosoffice@gmail.com**

Ownership Interest in the Property in Question:

413 Main LLC - 100%
John Svigos 2012 Irrevocable Trust, John Svigos, Mike Svigos, Paul Svigos, Paul Svigos 2012 Irrevocable Trust.

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 above

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

**Nick Vittore of Svigos Asset Management, Inc.
1 W. Dundee, Suite 200
Buffalo Grove IL 60089**

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: **413 N. Main Street**

Permanent tax index number: **05-11-328-008-0000**

Legal description:

of the south 19.96 ft of lot 1 and all of lot 2 (except the south 29.96 feet thereof) in the subdivision of lot 6 in block 12 in assessment division of section 11, township 39 north, range 10 east of the third principal meridian, according to the plat thereof recorded April 7, 1906 as document 87151, in Du Page County, Illinois.

Zoning classification: **C5A & C5B**

Lot size: **50** ft. x **212** ft. Area: **10,600** sq. ft.

Present use:

Vacant commercial space.

IV. INFORMATION REGARDING THE VARIATION(S) REQUESTED:

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

1. Section 10-4-17-2(D)3(c)- to allow a 0 foot rear yard setback on the property where a 30 foot rear yard setback is required.
The east yard of the property is existing and buildings are built lot line to lot line. The building's footprint will not change thus no adverse impact on neighbors.
2. Sections 10-4-17-2(D)3(d) -to allow a 0 foot side yard setback on the south side of the property and setback of 6.58 feet on the north side of the property in lieu of a 10 foot side yard setback required on each side of the lot; The building is built lot line to lot line with the 438 Hillside apartments and conditions will not change and will have no adverse impact.
3. Section 10-5-5(B)4 #37. Patio – to allow 5 patios to encroach in the side yard, when patios are only permitted to encroach in the front and rear yards.
The variation is needed as a result of the parking garage construction directly north. The building does not have a rear yard as it abuts lot lines with the residential home directly east. The side yard acts as the building's backyard. The patios are an attempt to utilize the area in-between the building and new parking garage area which is not accessible by the public.
4. Section 10-5-13(L). Screening - to allow no opaque screening to be installed along all lot lines abutting areas zoned for residential use, where 6 to 7 feet of screening is required.
5. Section 10-5-5 (B)4 #4 to allow covered balconies to encroach in the side yard setback. This is needed for the altered balcony (shown on sheet A-8).

Estimated date to begin construction: **06/01/2021**

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

Architect - Pappageorge Haymes Partners
Ken Demuth
640 North LaSalle Suite 400
Chicago Illinois 60654
kdemuth@pappageorgehaymes.com
312 650 7316

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 building does not have any frontage to Main Street or Hillside. It is essentially hidden except from city hall's municipal parking lot. The only way to access the space is via a long covered arcade walkway off main street. Due to the lack of commercial visibility we believe that the space would be better utilized as residential apartments. We have consistent occupancy at the 413 N. Main building and we believe this development will produce high end units attracting more residents to downtown.

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):

We have actively marketed the premises for commercial use since Dance Dance Dance vacated in 2016. The 2nd floor of the space has been vacant for over 10 years. Any prospective tenants interested in the space have required extensive landlord build outs, individual HVAC systems, sprinklers, fire alarms, building signage, and parking. We pursued several leads but the market could never support the rents, real estate taxes, and maintenance needed to economically support the building.

If the variance(s) are granted we estimate that residential rents would produce a reasonable return versus the complete vacancy that we have been experiencing. The projected increased income would allow the building owner to completely rehabilitate the building and provide high quality apartments. Lastly, we believe the commercial real estate market to be in a worst condition after Covid pandemic ends.

OR

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

This building is unique due to its lack of frontage on Main street & Hillside. Further, the rapidly changing retail and commercial real estate environment have limited prospective income generating uses for the property. If the building had any Main Street frontage the building's opportunities would be greater. This building will be covered on all sides but Main Street once the municipal parking garage is built.

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

As described above the building is not visible from the Main Street or Hillside. The addition of residential units within the building will be unseen. The north side of the building will be blocked by the Village Parking Garage. The setbacks primarily impact an area between the parking garage and building not accessible to general public or visible by neighbors. We believe that redeveloping the Masonic Hall into end loft style apartments will promote increased pedestrian traffic and shopping for downtown Glen Ellyn's shops and restaurants. The essential character of the locality will be affected but supported with increased residents that will support downtown shops.

- 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 building's physical setback from main street and lack of any frontage on Main Street and Hillside have made it impossible to rent to any commercial tenants since the prior tenants vacated several years ago. When the Village Parking Garage is built the building will be blocked in on 3 out of 4 sides. The current ownership purchased the building they were fortunate to have Dance Dance Dance as a tenant in the space. They were a long time tenant and well suited for the gym style Masonic Hall Space. Unfortunately, the space has extremely high ceilings making it expensive for commercial tenants to heat and cool. We have not had any success since they vacated in renting this space to another commercial tenant.

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:

We are not aware of another property in Glen Ellyn with three of the building's four sides blocked by other properties. The Village is also proposing to build a parking garage on the building's north side which would further block access to the building. We believe this to be a truly unique scenario in the village.

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

The variation is based largely on the desire to have an occupied building versus a vacant building. We do not believe it is possible to lease the space with its current zoning. The 2nd floor has been vacate for over 10 years and the 1st floor has been vacant for over 3 years. Please keep in mind that the previous 1st floor tenant Dance Dance Dance had occupied the space for over 20 years. Since they have vacated there is not a lot of interest in retail commercial space without frontage. This building's access will be more limited when the parking garage is constructed. However, there is value to private secluded residential spaces.

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 particular hardship to the building is existing and will be further exacerbated upon the completion of the municipal parking garage.

5. Provide evidence that the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property in question is located.

Granting the variation(s) will not have any negative impact on the public, other property or improvement in the neighborhood. The surrounding buildings and neighbors will be unaware of the conversion.

6. Provide evidence that the proposed variation will not:

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

The variance(s) will not impair light and air to the adjacent property. The building footprint is not changing.

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

The building will have better fire protection as the variance will allow for redevelopment and the installation of a fire sprinkler system.

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

The variance(s) will not impair the public health, safety, comfort, morals or general welfare as we are only looking to provide additional apartments next to the apartments on 413 N. Main and across from the new Apex Development.

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

The variance(s) will add high end residential loft style apartments which will increase foot traffic and downtown Glen Ellyn spending at shops and restaurants. The conversion from a vacant space to an occupied high end loft style apartment building will increase values throughout.

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

The variance(s) will allow for the construction of 12 apartments. We do not see significant additional vehicle traffic but there will be more people shopping and eating in downtown Glen Ellyn as a result.

- f. Create a nuisance; or

We do not foresee a nuisance.

- g. Results in an increase in public expenditures.

None.

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

Due to the historic nature of the building and the location off Main Street we believe this is the most minimal variation. The building will be essentially brought in line with the preferred use for the downtown which has become residential living, shopping, and restaurant use. This variance will allow the building to conform within the downtown to the best use for the Village and surrounding neighborhood.

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

The building is partially zoned C5A and C5B. We believe that the best use for the Former Masonic Hall at 413 N. Main Street is residential loft style apartments. The seclusion and privacy that the space offers due to it's setback and lack of frontage along Main Street is perfect for residential apartments vs commercial / retail. We believe for the Masonic portion to build 12 residential loft style apartments will provide the revitalization this building needs and will help support the retail spaces along main street.

We have had great success with the residential apartments in the 413 N. Main Street building. The residential side of the building has enjoyed 95% + occupancy rates. However, we have experienced difficulty over the years with commercial / retail vacancy and default. The storefronts at the 413 N. Main Street building are currently occupied by excellent tenants that are great members of the Glen Ellyn Community. However, it has taken years and a lot of trial an error to reach this point. We expect the commercial retail market to become significantly more challenged as a result of the Covid-19 pandemic.

The residential tenants have been a more consistent and positive attribute to the community over the years. We would like to build on that success and help support the existing shops of downtown Glen Ellyn.

VI. CERTIFICATIONS, CONSENT AND SIGNATURE(S)

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

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

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

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

<u>04/29/2020</u>	<u>Nicholas Vittore</u>	<u></u>
Date	Print Name	Signature of Applicant

<u>04/29/2020</u>	<u>Paul Svigos</u>	<u></u>
Date	Print Name	Signature of Applicant

<u> </u>	<u> </u>	<u> </u>
Date	Print Name	Signature of Applicant

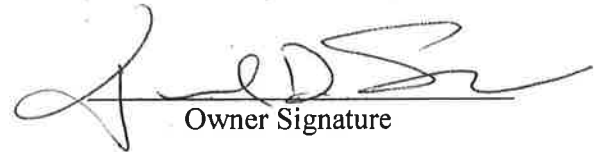
AFFIDAVIT OF AUTHORIZATION

I, **Paul Svigos** owner of the property described as

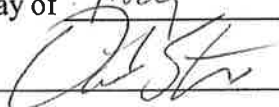
413 N. Main Street - Masonic Hall Temple

verify that **Nick Vittore**

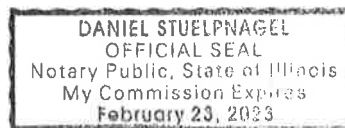
is duly authorized to apply and represent my interests before the Glen Ellyn Plan Commission, Zoning Board of Appeals and/or Village Board. Owner acknowledges that any notice given applicant is actual notice to owner.


Owner Signature

Subscribed and sworn to before me this

6th day of May, 2020


Notary Public



OWNERSHIP BY A CORPORATION

Date: **04/29/2020**

Address: **413 N. Main Street**

Legal Description:

of the south 19.96 ft of lot 1 and all of lot 2 (except the south 29.96 feet thereof) in the subdivision of lot 6 in block 12 in assessment division of section 11, township 39 north, range 10 east of the third principal meridian, according to the plat thereof recorded April 7, 1906 as document 87151, in Du Page County, Illinois.

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

Name: John Svigos	Address: 950 E. Westminister, Lake Forest, IL	% 9
Name: Paul Svigos	Address: 41 E. Elm Street, Chicago, IL	% 9
Name: Mike Svigos	Address: 650 E. Westminister, Lake Forest, IL	% 33.33
Name: John Svigos 2012 Irrevocable Trust	Address: 950 E. Westminister, Lake Forest, IL	% 24.33
Name: Paul Svigos 2012 Irrevocable Trust	Address: 41 E. Elm Street Chicago IL	% 24.33
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____
Name: _____	Address: _____	% _____

Affidavit Affirming No Conflict of Interest

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

1. My name is **Paul Svigos**, and I hold the position of **Managing Member** for **413 Main LLC** ("Applicant").
2. I have personal knowledge of all facts stated in this Affidavit, and if called to testify, I could and would testify competently thereto.
3. I am authorized by the Applicant to make the representations and statements in this Affidavit on the Applicant's behalf in support of the application for development approval ("Application") the Applicant filed with the Village of Glen Ellyn ("Village").
4. To the best of my knowledge, and as of the Application's date, no individual that is employed by the Village or sits on an elected or appointed Village board or commission has a financial interest in the Applicant, the Application, or the project proposed by the Applicant.
5. To the best of my knowledge, and as of the Application's date, no individual that is related to any person that is employed by the Village or sits on an elected or appointed Village board or commission has a financial interest in the Applicant, the Application, or the project proposed by the Applicant.
6. I will immediately notify the Village if the Applicant learns of the material inaccuracy of any statement within this Affidavit.

Further affiant sayeth naught.

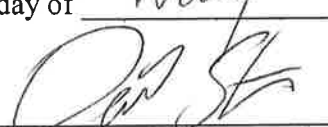
Name: 

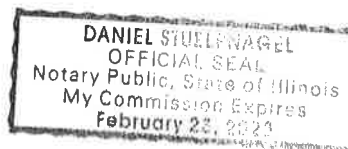
Title: **Managing Member**

Applicant's Name: **Paul Svigos of 413 Main LLC**

Subscribed and sworn to me this

15th day of May, 2020.


Notary Public



REIMBURSEMENT OF FEES AGREEMENT

CLEAR PAGE

Village of Glen Ellyn Acct: # _____

Initial Deposit Amount: _____

- I. DESCRIPTION OF PROJECT: **413 Main Apartment Conversion**
- II. OWNER:
- A. Owner of Property: **413 Main LLC**
- B. Owner's Address: **1 W. Dundee, Suite 200 Buffalo Grove IL 60089**
- C. Owner's Home Phone Number: **8477350656** Fax: **8477358060**
- D. Owner's Work Phone Number: **8477350656**
- E. Owner's E-mail: **svigosoffice@gmail.com, nick@svigos.com**
- F. If Owner is a Land Trust or Corporation, the attached disclosures of interest should be filled out.
- III. PERSON MAKING REQUEST (Petitioner):
- A. Name of Petitioner: **Nick Vittore & Svigos Asset Management, Inc.**
- B. Petitioner's Address: **1 W. Dundee, Suite 200 Buffalo Grove IL 60089**
- C. Petitioner's Home Phone Number: **3124796130**
- D. Petitioner's Work Number: **8477350656**
- E. Petitioner's E-mail: **nick@svigos.com**
- IV. LOCATION OF PROPERTY:
- A. General Location of Property: **413 N. Main Street**
- B. Acreage of Parcel: **10,600 s/f**
- C. Permanent Index Number(s): **05-11-328-008-0000**
- D. Legal Description (Please attach)
- V. REIMBURSEMENT OF FEES:

The Ordinances of the Village require the owners of property, or individuals seeking to utilize property, to receive approval by ordinance or the issuance of a permit to undertake various uses or improvements of property in the Village. These uses can include requests for textual or map changes in the Zoning Ordinance, applications for building permits, requests for zoning relief and other similar requests. The Village has established a fee schedule for the anticipated use of staff time in processing such petitions or applications. In many cases, however the Village cannot reasonably evaluate the validity or compliance of the petition or application with the Ordinances of the Village without the use of reports from various consultants. In some cases, the application or petition requires among other things, public hearings and associated public notice costs, preparation of minutes or transcripts from the public hearing or meeting, recording costs of Ordinances and

the preparation of reports by consultants whose services require the payment of out-of-pocket expenses by the Village. These expenses would not have been incurred but for the petition or application. The Village does not intend to seek to make a profit on its utilization of such consultants, but requires that the applicant, or the person receiving benefit, shall be obligated to reimburse the out-of-pocket expenses incurred by the Village. The Village shall seek to employ consultants who shall charge rates consistent with those paid by private parties who seek similar consulting services. The Village intends, through this Agreement, to cause the payment of out-of-pocket expenses and to require the creation of an escrow fund to guarantee that the petition or application will not result in the citizens of the Village being required to pay for costs incurred at the request of the owner or applicant.

This document shall constitute a contract when an application is made for a license, permit, request for zoning relief or other approval involving the use of real property. Should the Village, in its sole and exclusive discretion, determine that it is necessary or desirable for the Village to obtain professional services, including, but not limited to, attorneys, engineers, planners, architects, surveyors, court reporters, traffic, drainage or other consultants, including full and/or part time site inspection services during the actual construction of any required improvements, and/or to incur costs related to any required notices or recordations, in connection with any application or petition filed by the petitioner then the petitioner and owner shall be jointly and severally liable for the payment of such professional fees and costs, as shall actually be incurred by the Village. The Planning and Development Director is hereby authorized to assign the above described services to the Village staff or to consultants, as the Director deems appropriate and without prior notification to the petitioner.

Any application or petition to be reviewed by the Planning and Development Department or by the Plan Commission shall require the petitioner to establish an escrow account with the Village in an amount determined by the Planning and Development Director to reimburse the Village for all out of pocket costs associated with the request. These out of pocket costs will cover such things as services provided by the Village's consulting engineer, consulting attorney, consulting planner, traffic consultant, wetland consultant, landscape consultant, architectural consultant, appraiser and transcriber, among others, as well as reproduction costs, public hearing notice costs, recording costs, etc. Along with the application the petitioner shall also submit a signed copy of this agreement thereby acknowledging and agreeing to reimburse the Village for all out of pocket costs associated with the application or petition.

This agreement shall be accompanied by an initial deposit in an amount to be determined by the Director of Planning and Development but shall be no less than \$500. The Village will provide an itemized list of Village expenses incurred related to any charge to the escrow account, and the petitioner shall deposit funds to reimburse the Village for those expenses upon notice from the Village that the deposit has dropped below \$300. If the expenses are not reimbursed, then reviews meetings and permits associated with out of pocket costs will cease, and the request will not be moved forward through the review process. At the completion of the review process, and development of the project, if appropriate, any remaining balance from the deposit will be returned to the petitioner, without interest, after all expenses have been paid.

The Village shall deduct the incurred expenditures and costs from the funds deposited. If the remaining deposit balance falls below \$300.00, the petitioner, upon notice by the Village, shall be required to replenish the deposit to its initial amount. The Village shall mail the petitioner regular invoices for the fees and costs incurred. The petitioner shall replenish the deposit amount within thirty (30) days of issuance of each such invoice directing replenishment of the deposit.

A petitioner who withdraws his or her petition may apply in writing to the Planning and Development Director for a refund of his or her remaining escrow balance. The Planning and Development Director may, at his or her discretion, approve such refund less any actual fees and costs, which the Village has already paid or incurred relative to the application.

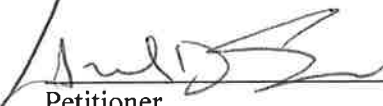
Upon the failure of the petitioner or owner to reimburse the Village in accordance with this Agreement, no further action shall be undertaken on the application by the Village President and Board of Trustees, or by any other official or quasi-official individual or body thereunder, including the conduct of any hearings or deliberations, reviews of any plans or applications, the granting of any relief or approvals, issuance of any permits or occupancies, performance of inspections and the execution or recording of any documents, until all such outstanding fees are paid in full and/or the initial deposit is restored to its full amount. Upon any failure to reimburse the Village in accordance with this Section, the Village may in its discretion, apply any or all of the initial deposit to the outstanding balance due.

The remedies available to the Village as set forth hereinabove are non-exclusive and nothing herein shall be deemed to limit or waive the Village's right to seek relief of such fees against any or all responsible parties in a court of competent jurisdiction.

Any remaining balance of any funds deposited pursuant to this Agreement shall be refunded at such time as the completion of Village deliberation on the petition or application, recordation of all necessary documents associated with the petition or application, issuance of a building permit, approval of a final inspection, or issuance of a final certificate of occupancy upon the real property in question whichever occurs later.

BY SIGNING BELOW, THE PETITIONER AND OWNER ACKNOWLEDGE THAT EACH OF THEM HAS READ THE FOREGOING PARAGRAPHS AND EACH OF THEM FULLY UNDERSTANDS AND AGREES TO COMPLY WITH THE TERMS SET FORTH HEREIN. FURTHER, BY SIGNING BELOW, EACH SIGNATORY WARRANTS THAT HE/SHE/IT POSSESSES FULL AUTHORITY TO SO SIGN.

THE PETITIONER AND OWNER AGREE THAT PETITIONER AND OWNER SHALL BE JOINTLY AND SEVERALLY LIABLE FOR PAYMENT OF FEES REFERRED TO IN APPLICABLE SECTIONS OF THE ORDINANCES OF THE VILLAGE OF GLEN ELLYN, AND THE OBLIGATIONS FOR PAYMENT RELATING TO THE FILING OF PETITION OR APPLICATION, AS SET FORTH HEREIN.



Petitioner

Village of Glen Ellyn

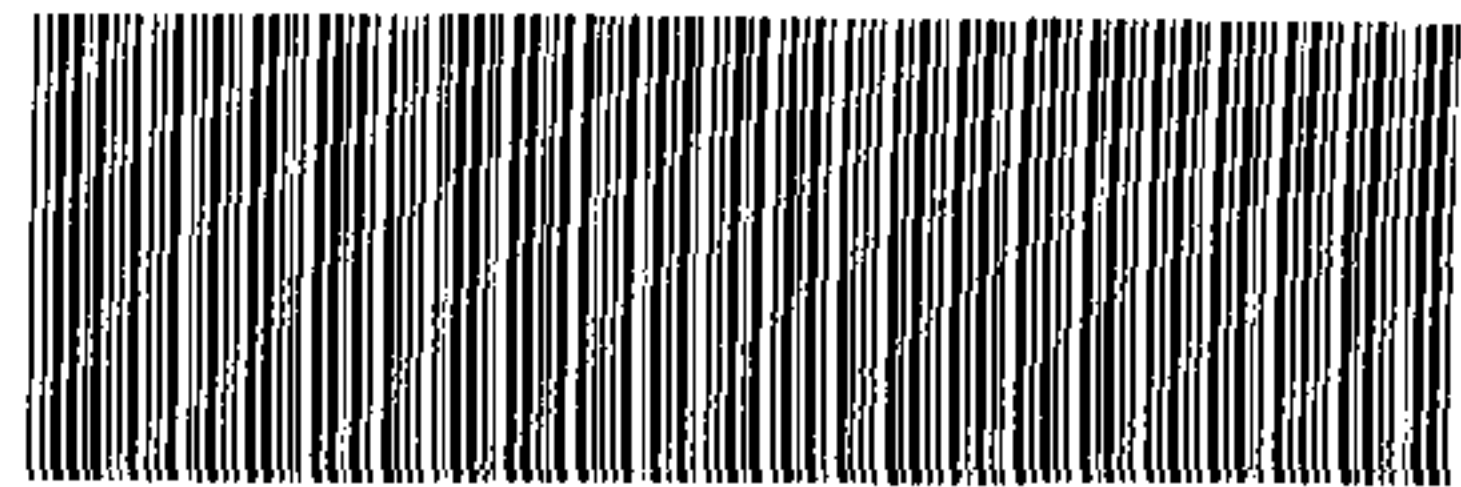
413 Main LLC - Paul Svigos
Owner

By: _____
Planning and Development Director

Date: 4/30/20

Date: _____

TRUSTEE'S DEED



FRED BUCHOLZ

DUPAGE COUNTY RECORDER

APR. 05, 2005

3:54 PM

DEED

05-11-328-008

002 PAGES

R2005-069195

THIS DEED, made this 31st day of March, 2005, between Alfred A. Blaszcak and Eric M. Blaszcak, as trustees under the provision of a trust agreement dated February 14, 2000 and known as The Blaszcak Family Trust, and pursuant to the powers granted in said trust agreement, **GRANTOR**, and 413 Main Street, L.L.C., an Illinois limited liability company, having a principal place of business at 272 East Deerpath Road, Suite 236, Lake Forest, Illinois 60045, **GRANTEE**. That said **GRANTOR**, in consideration of the sum of Ten (\$10.00) Dollars, and other good and valuable considerations in hand paid, does hereby grant, sell and convey unto said **GRANTEE**, the following described real estate, situated in DuPage County, Illinois, to wit:

THE SOUTH 19.96 FEET OF LOT 1 AND ALL OF LOT 2 (EXCEPT THE SOUTH 29.96 FEET THEREOF) IN THE SUBDIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED - APRIL 7, 1906 AS DOCUMENT NO. 87151, IN DUPAGE COUNTY, ILLINOIS.

ALSO, APPURTENANT EASEMENTS GRANTED BY DOCUMENTS RECORDED ON JUNE 24, 2002, AS DOC. NO. 2002-162431, ON MAY 26, 1946 AS DOC. NO. 498949 AND ON MARCH 8, 1926, AS DOC. NO. 209098 IN THE OFFICE OF THE RECORDER OF DEEDS, DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-11-328-008

Commonly known as: 413 Main St., Glen Ellyn, Illinois,
together with tenements and appurtenances thereunto belonging.

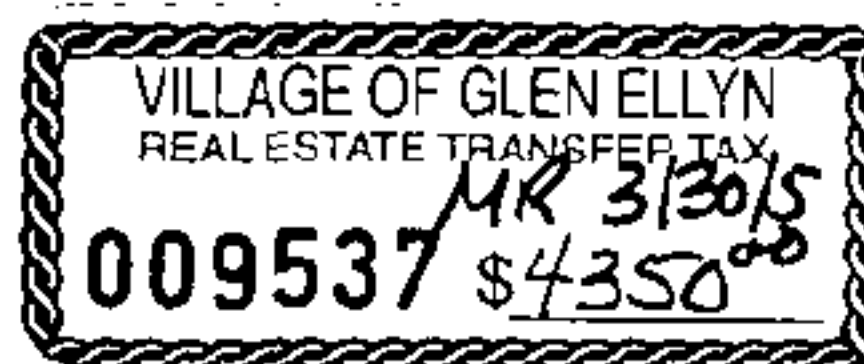
This deed is executed pursuant to and in the exercise of the powers and authority granted and vested in said trustees by the terms of and in pursuance of the trust agreement above identified.

THE BLASZCZAK FAMILY TRUST


Alfred A. Blaszcak, Trustee


Eric M. Blaszcak, Trustee

State of New Mexico,
County of Socorro ss.



I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY, that Alfred A. Blaszcak, Trustee, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, and pursuant to the powers and

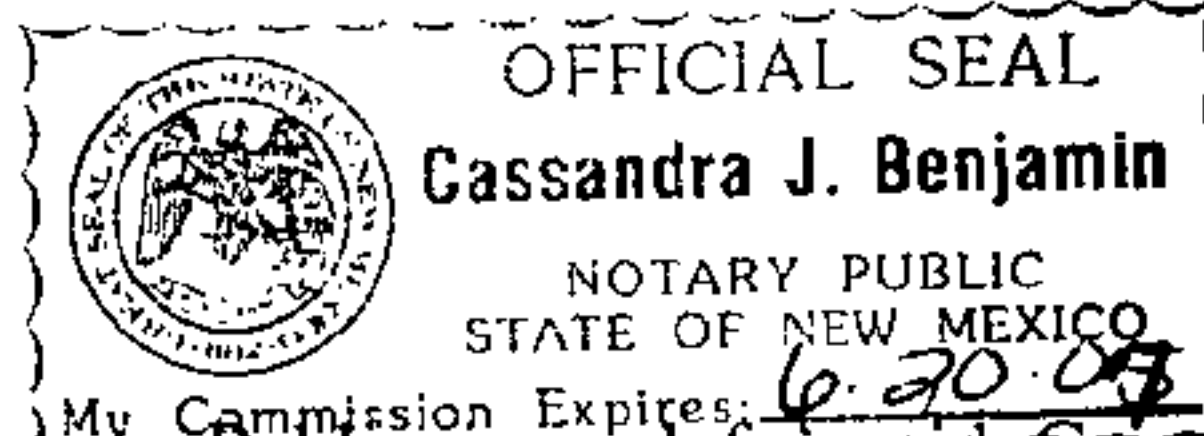
authority granted to him as trustee, for the uses and purposes therein set forth.

Given under my hand and official seal, this 20th day of March, 2005.

Commission expires on 6-20-07.

Cassandra Benjamin
Notary Public

State of Illinois,
County of DuPage ss

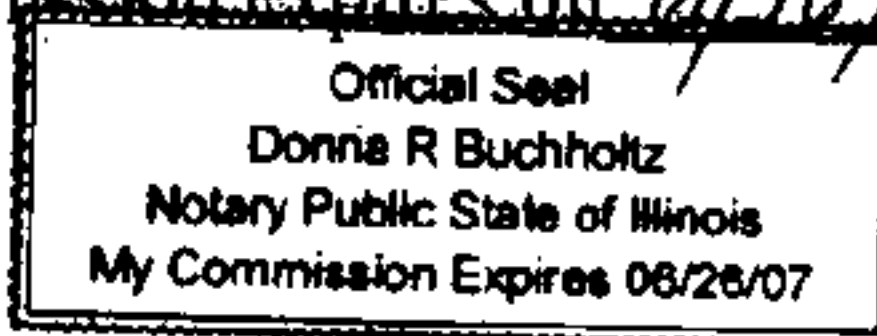


I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY, that Eric M. Blaszcak, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, , and pursuant to the powers and authority granted to him as trustee, for the uses and purposes therein set forth.

Given under my hand and official seal, this 29th day of March, 2005.

Commission expires on 6/26/07.

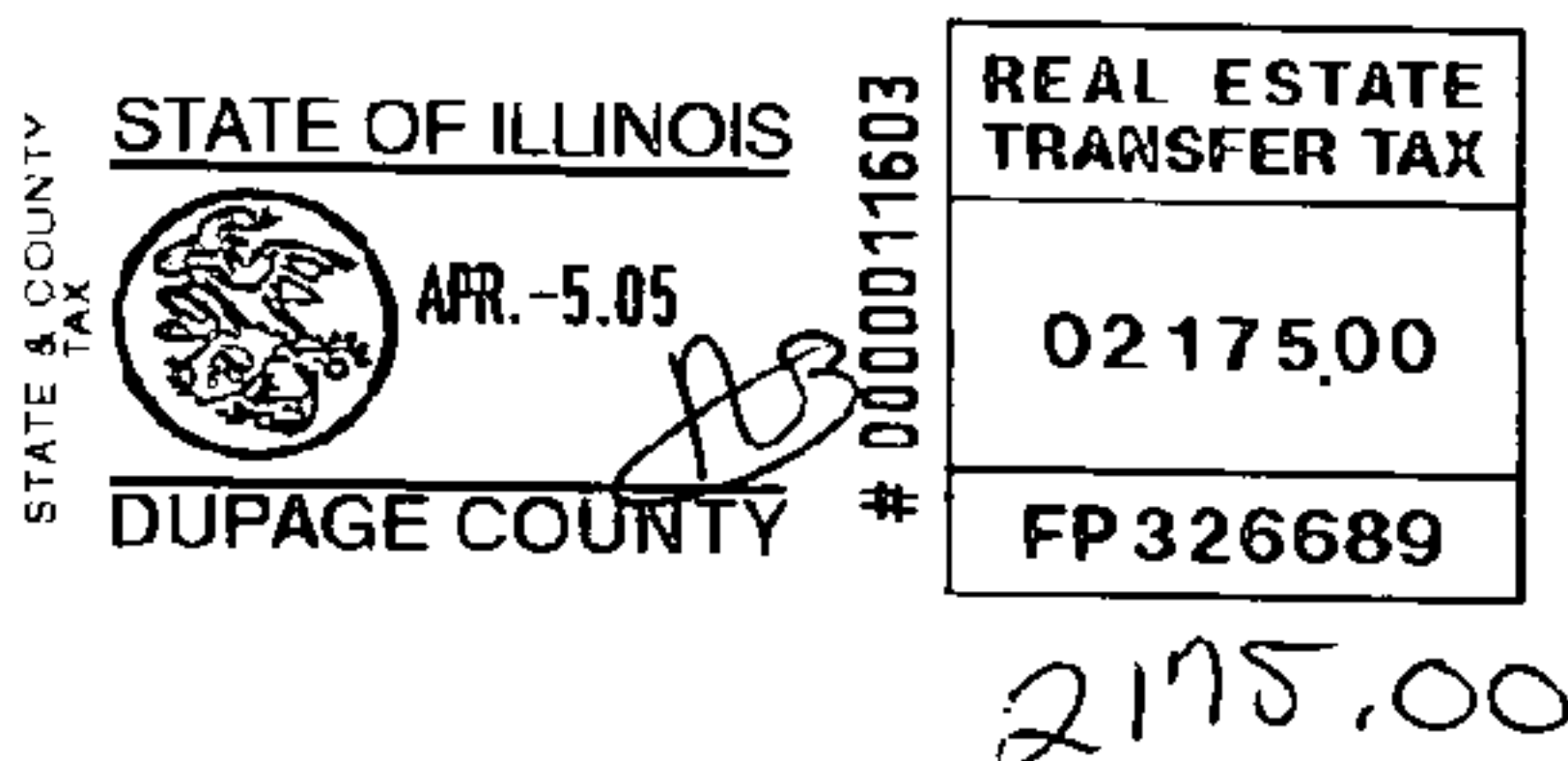
Donna R. Buchholz
Notary Public



This instrument was prepared by: William E. Jegen, 536 Crescent Boulevard, Suite 200, Glen Ellyn, Illinois 60137

Mail Tax Bills to: 413 Main Street, LLC, 272 East Deerpath Road, Suite 236, Lake Forest, Illinois 60045

AFTER RECORDING RETURN TO: William E Jegen
536 Crescent Blvd Ste 200
Glen Ellyn, IL 60137





Svigos Asset Management

Property Development & Asset Management

Village of Glen Ellyn
Community Development Department
535 Duane Street
Glen Ellyn, IL 60137

January 6, 2021

Zoning Variance – 413 N. Main Street

Dear Dept of Zoning,

We are requesting a zoning variance and special use for the abovementioned building. The 413 Main building consists of 2 storefront retail spaces and 16 residential apartments on the building's Front / West end. The building is partially zoned C5A and C5B. The East portion of the building is a former Masonic Hall with two levels and zoned differently as C5B. The first level of the Masonic space has been vacant for several years and the second level has been vacant for approximately ten years. We seek a Special Use Permit for the C5B Masonic portion to build 12 loft style residential units between the 1st and 2nd floors. We are also deleting a unit in the 413 N. Main building as a result of this project. We do not plan any changes to the building's façade on Main Street. The building's North façade will have patios on the first floor and hung metal balconies on the second floor in the area between the parking garage and building which is not accessible to the public. The building's East side will have windows to allow light for the apartments. This area will be landscaped where possible due to diminished lighting from parking garage.

We have actively marketed the space since the departure of Dance Dance Dance. They were a long-term tenant of the building but had no one to take over the business upon their retirement. The space had grown tired during the 20+ years of Dance Dance Dance's tenancy but they were never able to invest in the space. When they vacated, the space needed major renovation that could not be supported by commercial rental rates. The commercial real estate landscape has changed drastically in the last five to ten years. Ecommerce and changing consumer habits has placed pressure on small business. Increased competition for consumer spending and commercial space location has become critical.

The former Masonic Hall portion of the building is set back over 100 feet from Main street and has no visibility from either Main or Hillside. The building's only access from the downtown area is through a lengthy covered hallway. Secluded spaces with little visibility are a drawback for commercial and retail space. We would like to change the property's use to residential to stabilize the building.

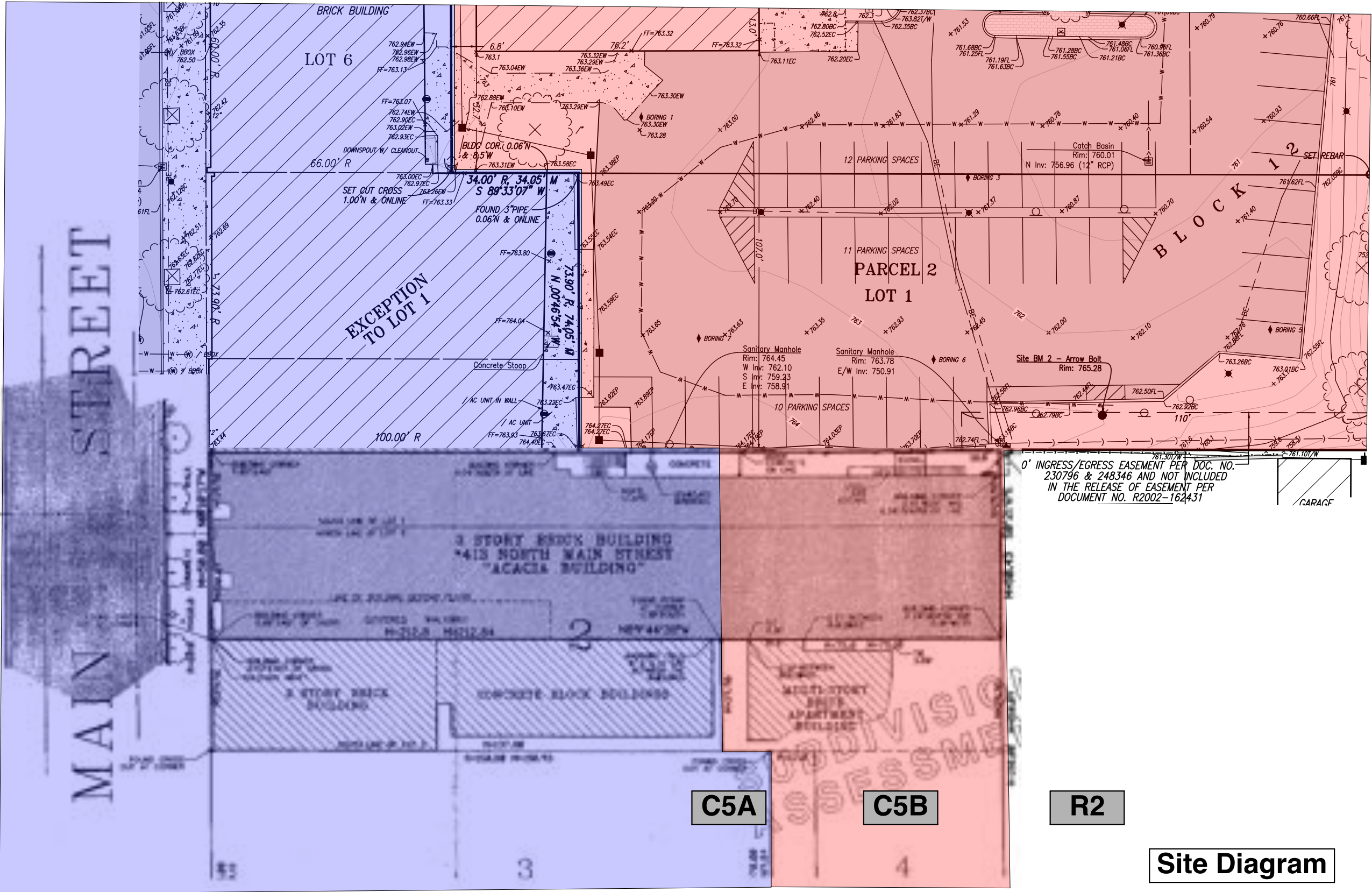
The setback and lack of street visibility is a benefit for the quiet use and enjoyment of residential apartment. This property enjoys a central location with access to shopping, public transportation, and restaurants but the quiet enjoyment of a neighborhood side street due to its setback. This variance(s) will allow a beneficial development to the downtown area and positive contribution to the Glen Ellyn Comprehensive Plan.

We plan to build 12 residential loft style 1 bed 2 bath apartments (700 – 900 s/f) on the 1st and 2nd floor of the former Masonic Hall Space. Each unit will have 14' ceilings, central heat / air conditioning, real hardwood floors (not click floor or laminates), 42" American made cabinets, quartz or granite countertops, stainless steel appliances, in-unit washer/dryer, ground floor patio and 2nd floor Juliette balconies. We specialize in the redevelopment of historic buildings. Our recent projects are the Mulligan School Apartments, Motley School Apartments and Peabody School Apartments. The School projects are similar to the Masonic Hall's high ceiling masonry and wood joist construction. The units will be striking with large volumes and bedroom staircase feature. Each unit will boast oversized windows and custom doors to either patios or Juliette balconies. We have an agreement with the Village of Glen Ellyn to rent 1 parking space per unit up to 12 parking spaces for the use of the residents of the building in the new municipal parking garage for any resident needs. We projected rents for these apartments to range between \$1,500 to \$2,000 per month.

We will not require any exterior signage but will request a separate address for the Masonic Hall Apartments. The building currently has adequate lighting on main street. The patio which afront the municipal parking lot will receive 1 small light outside each patio door. This feature will eventually be blocked by the new parking garage.

We have included the following applications and documents:

1. Special Use Permit Application Packet
2. Zoning Map Amendment and Zoning Code Text Amendment Application Packet
3. Zoning Variation Request Packet
4. Survey
5. Proof of Ownership – Closing Statement & Trustee's Deed
6. Architectural Plan Including Site Plan & Existing Conditions



Survey Plat
Scale: 1:0.50, 1:1.36, 1' = 1'-0"



Notes:

1. Information depicted here-in is for general reference only and may not be complete, may not be depicted to scale or inclusive of all conditions present at the site. No representation is made as to the accuracy of this information.
2. Survey information based upon documents provided by Village of Glen Ellyn and Svigos Asset Management.
3. Field verify all existing conditions, dimensions and materials.

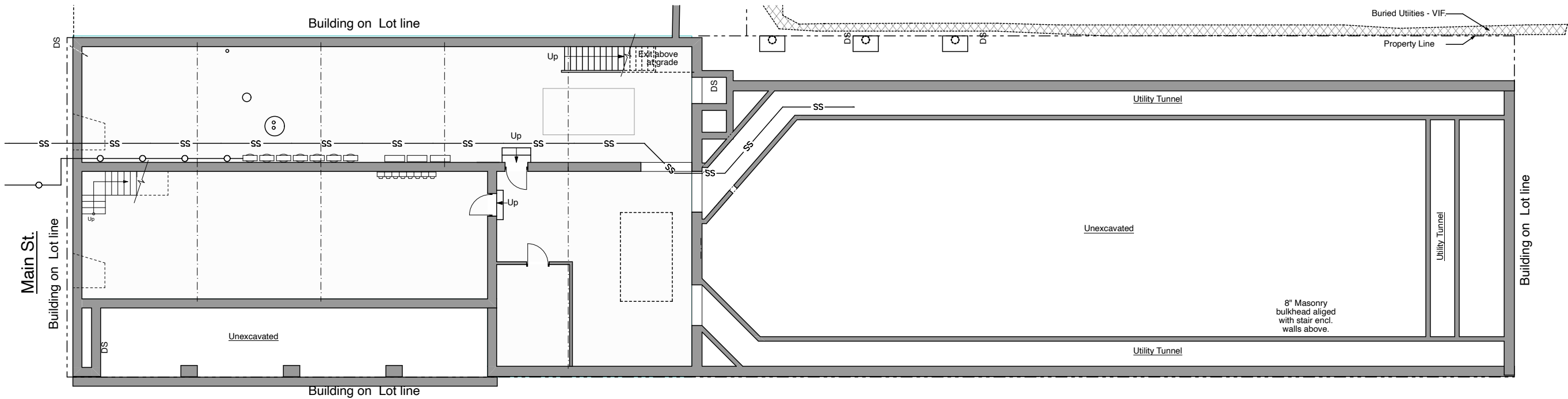
Svigos Development, LLC.
developer

PAPPAGEORGE
HAYMES

Pappageorge Haymes Partners
www.pappageorgehaymes.com

Site Diagram

Existing Basement Plan
Scale: 1/16" = 1'-0"



3,875 sq ft (Gross SF)

Svigos Development, LLC.
developer

Basement Plan Existing



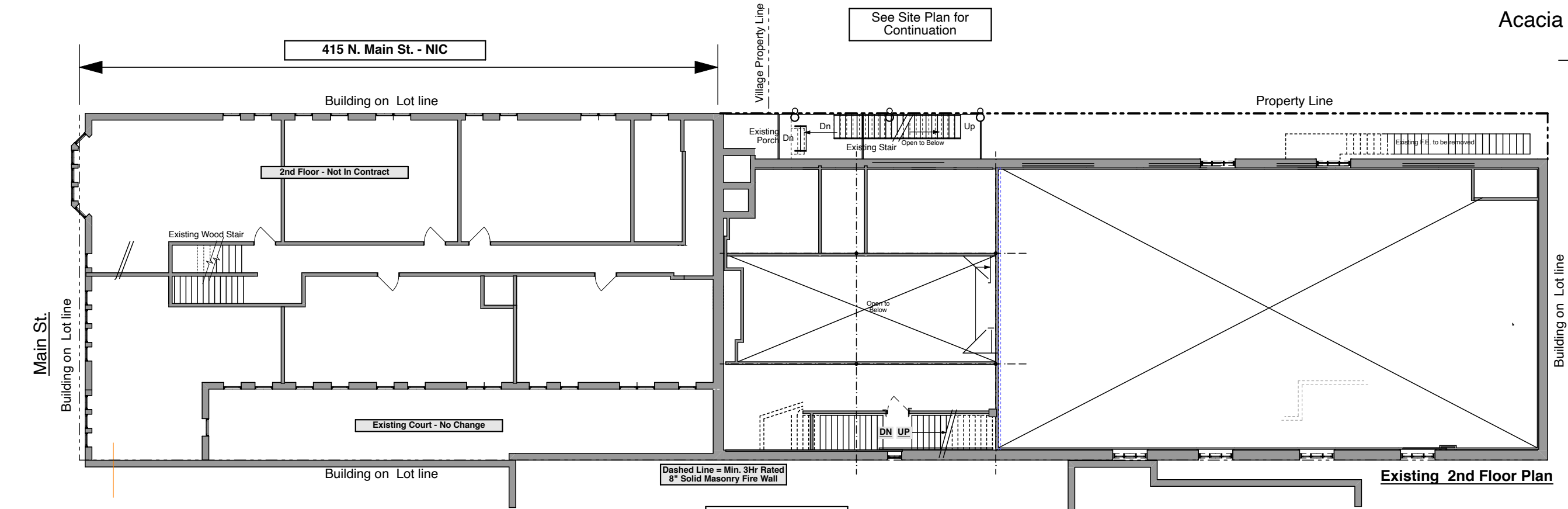
Pappageorge Haymes Partners
www.pappageorgehaymes.com

EX-1

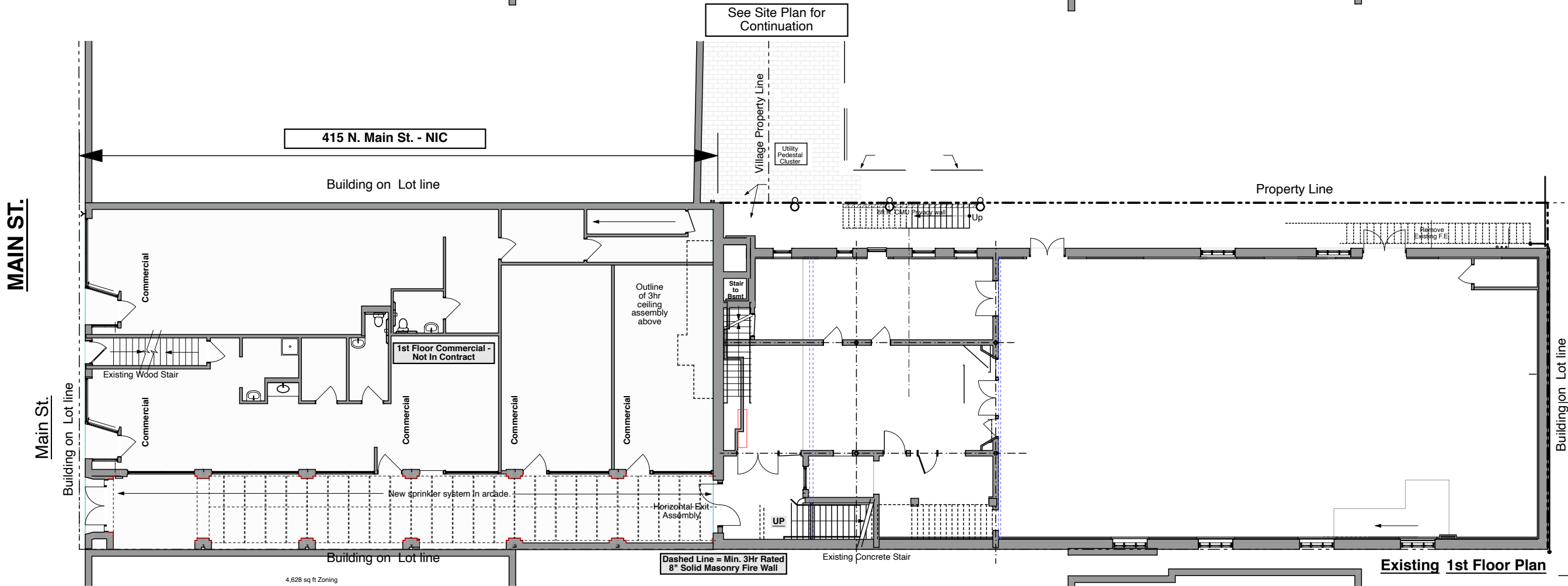
11/18/21

These plans are schematic and are subject to further refinement for compliance with code required existing, life safety improvements and coordination with existing systems.

© COPYRIGHT PAPPAGEORGE HAYMES PARTNERS 2021



Existing 1st & 2nd Floor Plan
Scale: 1/16" = 1'-0"



Svigos Development, LLC.
developer

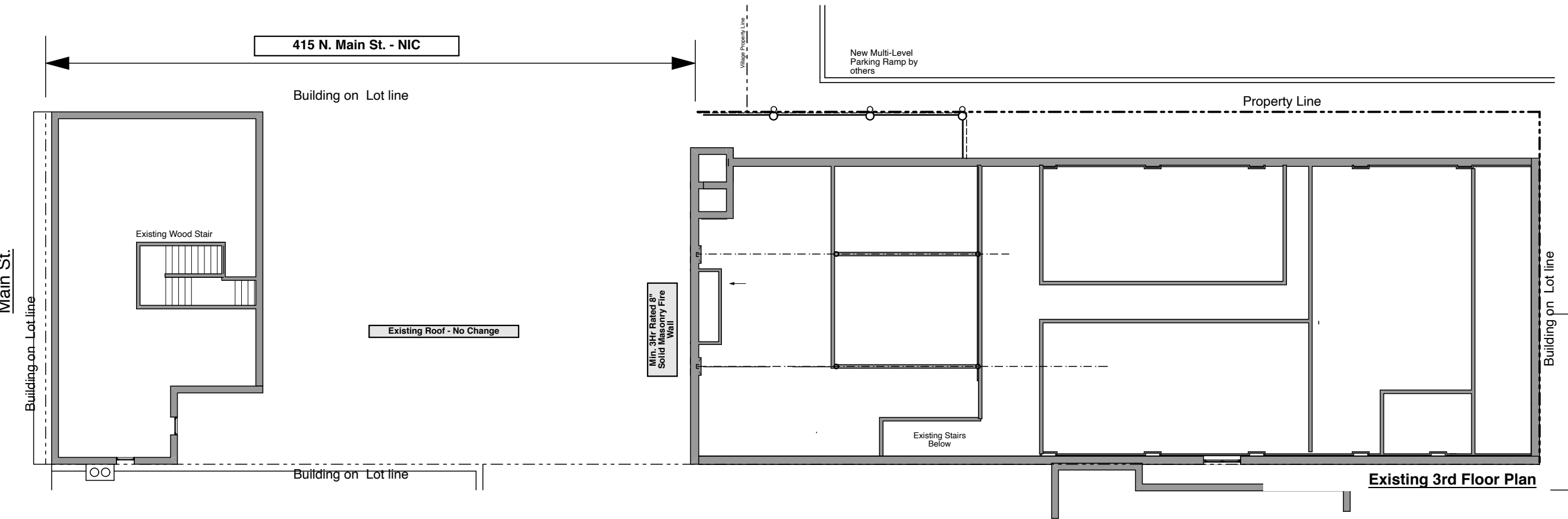
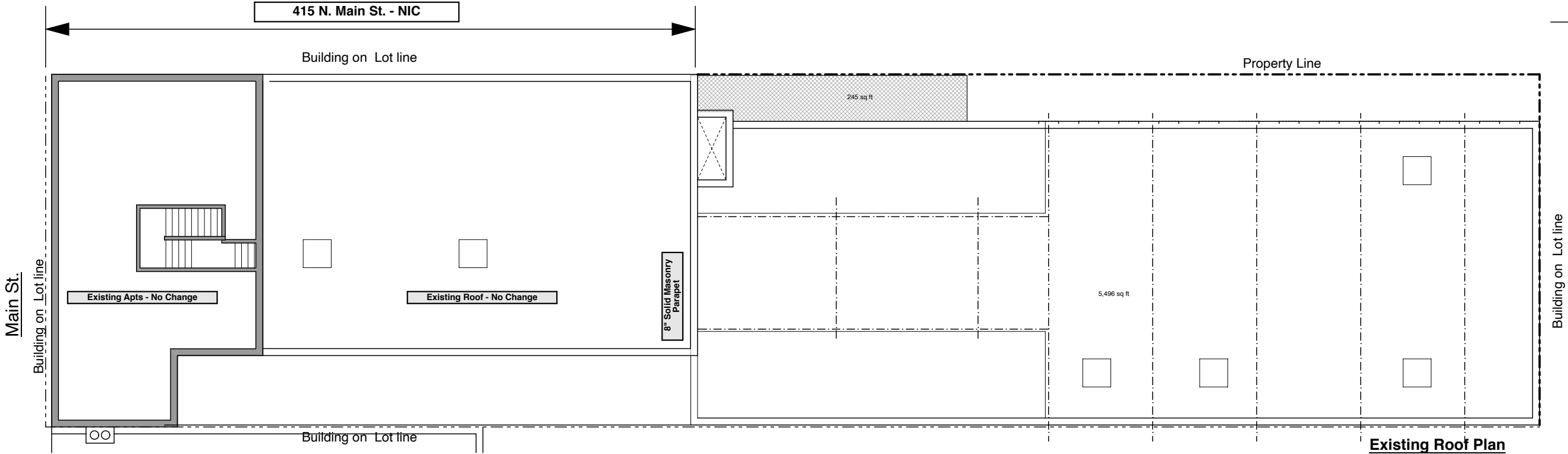
PAPPAGEORGE
HAYMES

Pappageorge Haymes Partners
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EX-2

11/18/21

These plans are schematic and are subject to further refinement for compliance with code required existing, life safety improvements and coordination with existing systems.



Existing 3rd Floor & Roof Plan
Scale: 1/16" = 1'-0"

Svigos Development, LLC.
developer



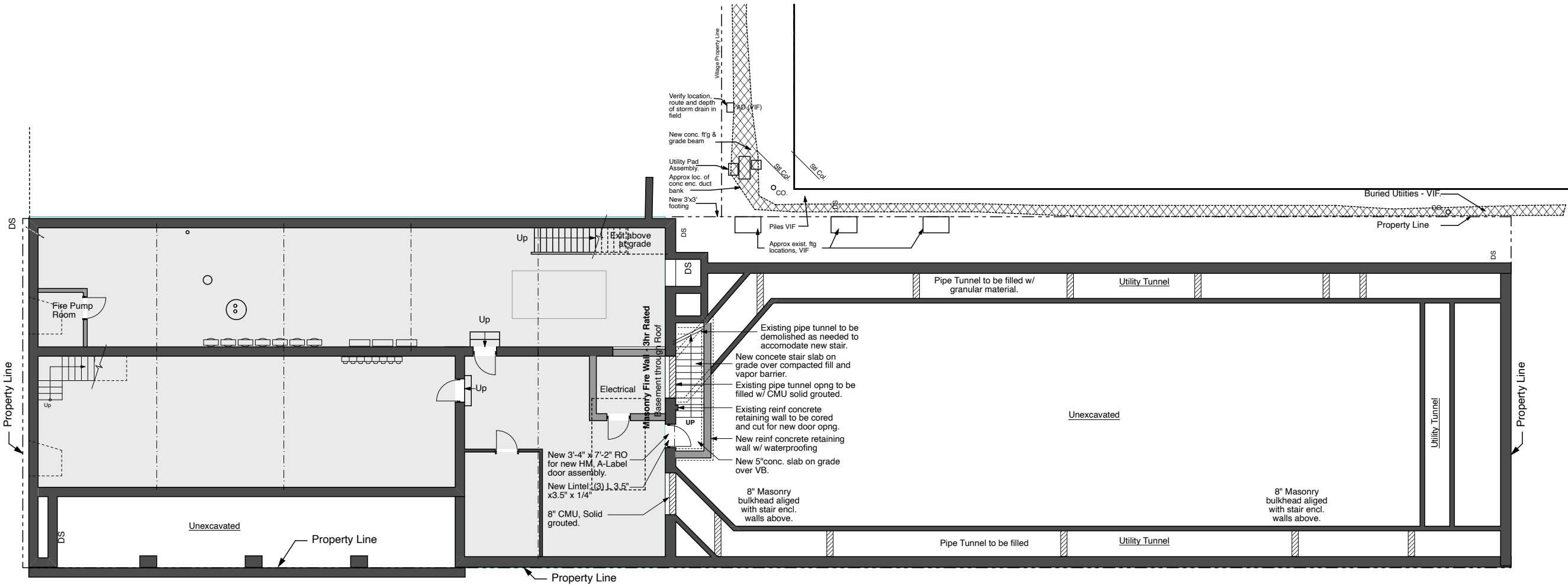
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EX-3

11/18/21

These plans are schematic and are subject to further refinement for compliance with code required existing, life safety improvements and coordination with existing systems.

Basement Plan
Scale: 1/16" = 1'-0"



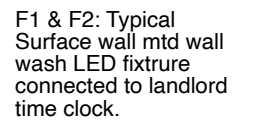
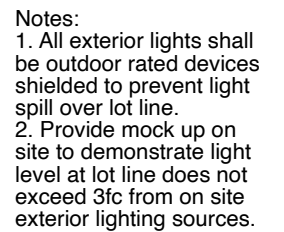
Basement Plan

Svigos Development, LLC.
developer



Pappageorge Haymes Partners
www.pappageorgehaymes.com

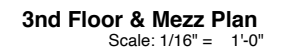
413-15 N. Main Street
Glen Ellyn, IL



Pappageorge Haymes Partners
www.pappageorgehaymes.com

12/14/21

These plans are schematic and are subject to further refinement for compliance with code required exiting, life safety improvements and coordination with existing systems.



PAPPAGEORGE
HAYMES

Pappageorge Haymes Partners
www.pappageorgehaymes.com

Bldg on Lot Line
3rd Floor Plan
6 DU's

5,262 sq ft (Zoning)

A-3

11/18/21

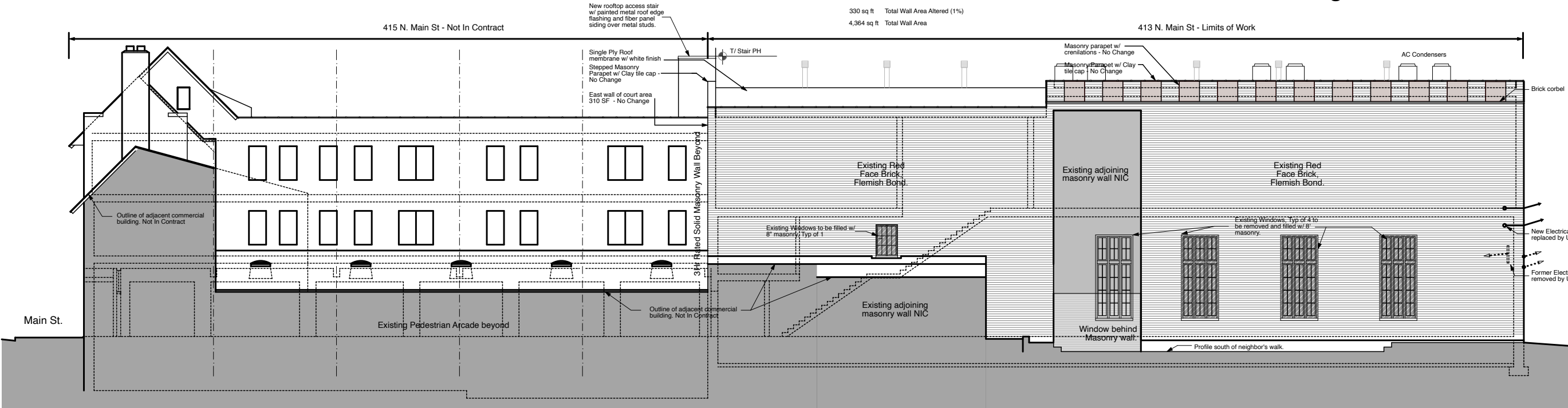
These plans are schematic and are subject to further refinement for compliance with code required exiting, life safety improvements and coordination with existing systems.



South Elevation
Scale: 1/16" = 1'-0", 1:2.94, 1:1.90, 1:2.07



Existing South Elevation



Svigos Development, LLC.
developer



Pappageorge Haymes Partners
www.pappageorgehaymes.com

South Elevation



Acacia Building Residences

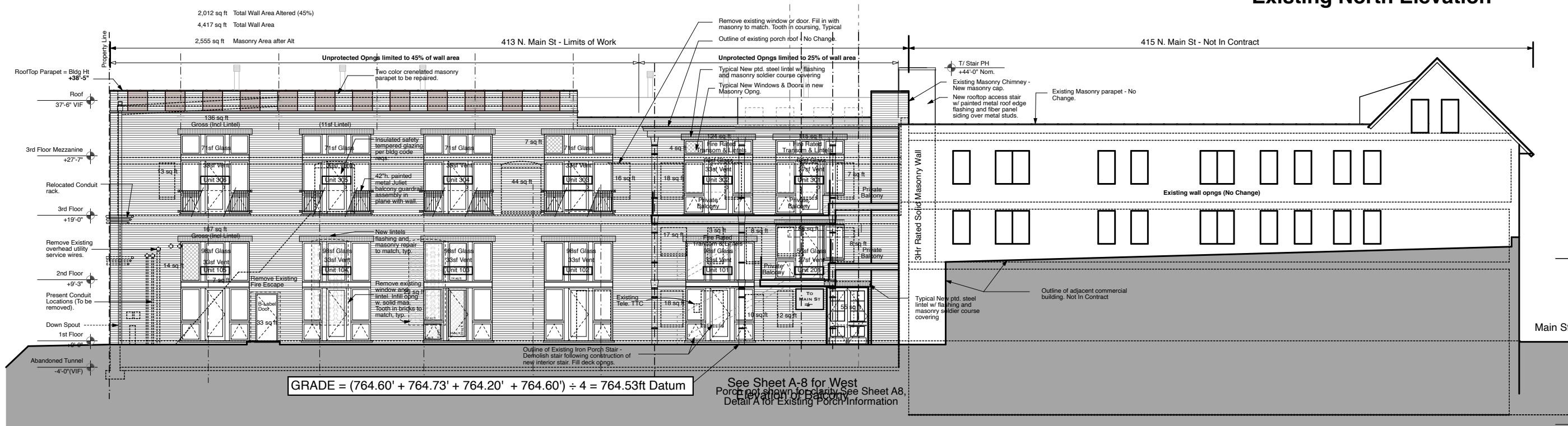
413-15 N. Main Street
Glen Ellyn, IL

North Elevation

Scale: 1:1.84, 1:1.14, 1/16" = 1'-0"



Existing North Elevation



Svigos Development, LLC.
developer

PAPPAGEORGE
HAYMES

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North Elevation

A-6

11/18/21

These plans are schematic and are subject to further refinement for compliance with code required exiting, life safety improvements and coordination with existing systems.

West Elevation
Scale: 1' = 1'-0"

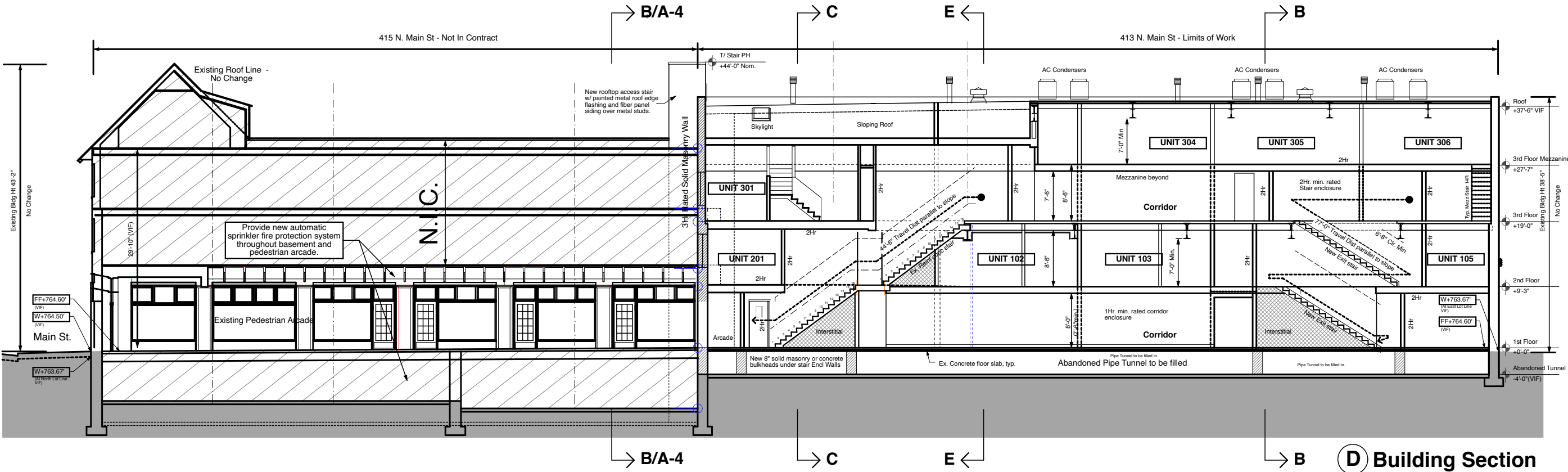


413-415 N. Main St. Oblique View and West Elevation
No Changes are proposed to the existing street facing facades

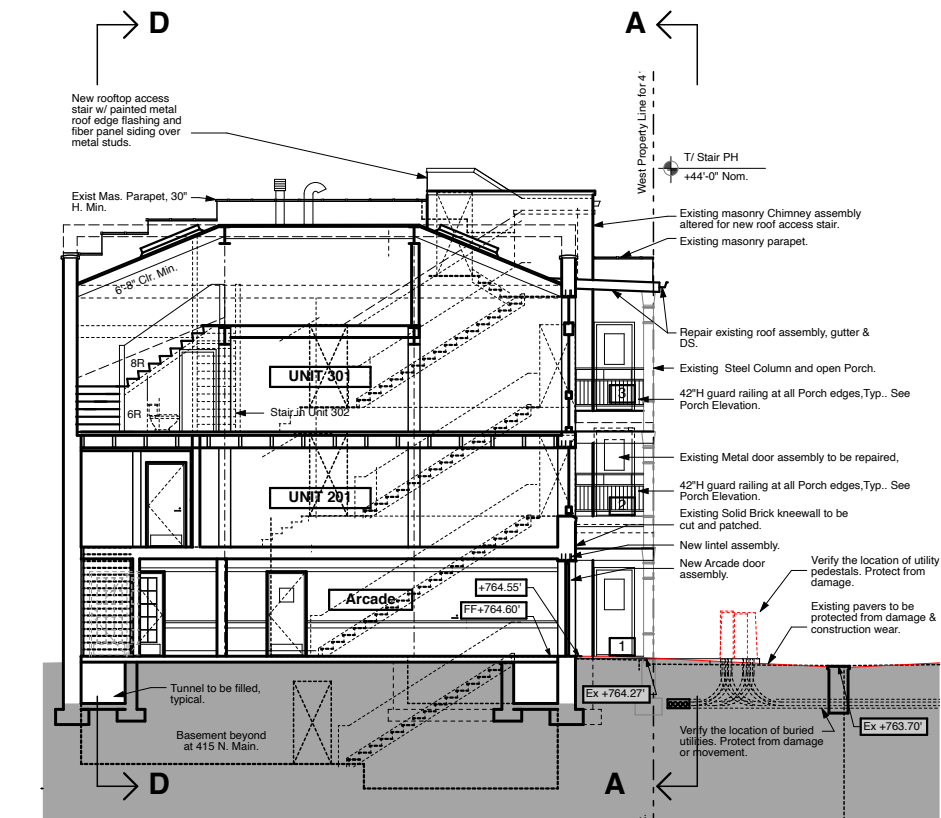
Svigos Development, LLC.
developer



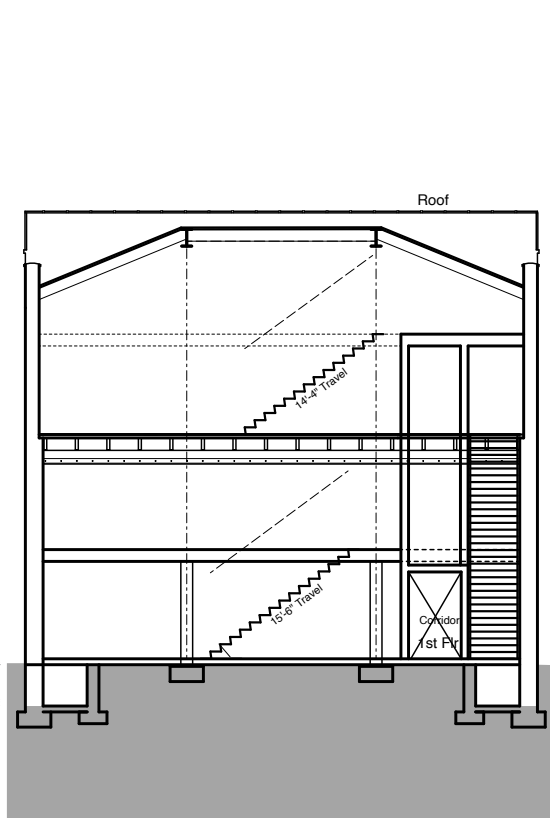
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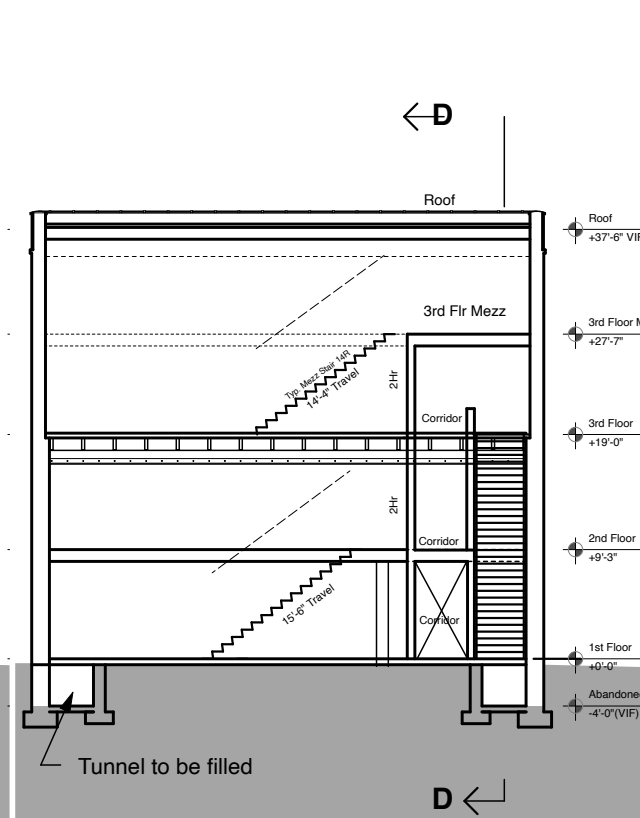
Building Sections
Scale: 1/16" = 1'-0"



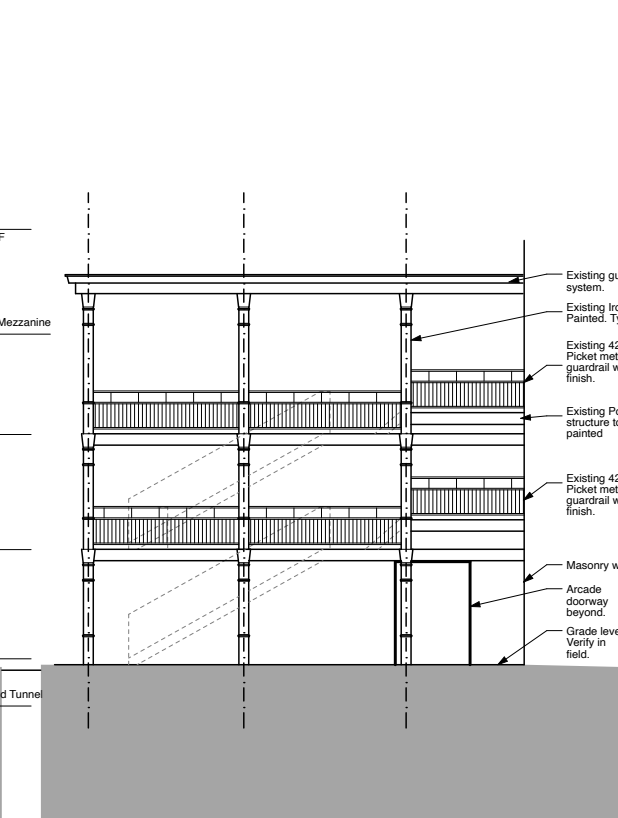
E Building Section Lkg West



C Building Section Lkg East

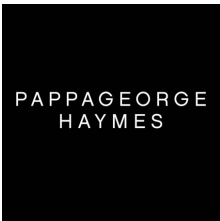


B Building Section Lkg East



A North Elev. of Alt'd. Balcony

Svigos Development, LLC.
developer



Pappageorge Haymes Partners
www.pappageorgehaymes.com



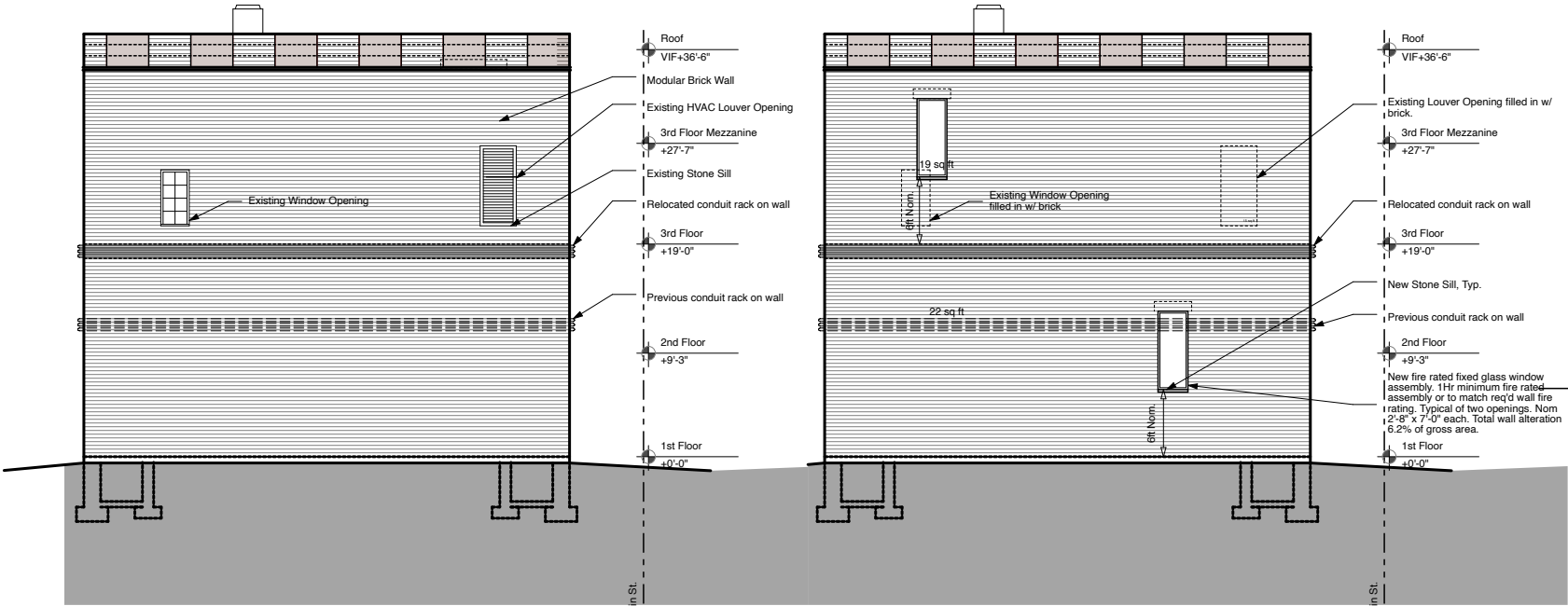
Partial East Building Elevation



Existing North & East Building Elevations



East Building Elevation



Svigos Development, LLC.
developer

PAPPAGEORGE
HAYMES

Pappageorge Haymes Partners
www.pappageorgehaymes.com

C East Elevation

B Existing East Elevation

A Proposed East Elevation



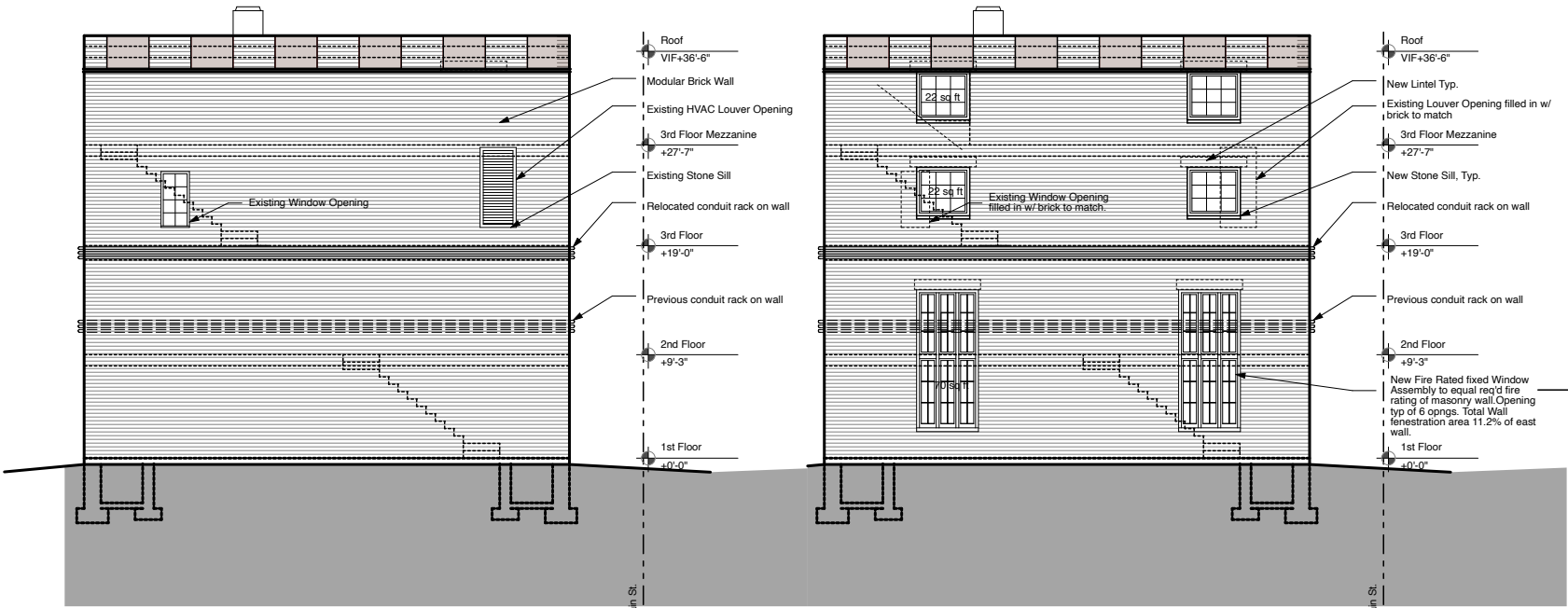
Partial East Building Elevation



Existing North & East Building Elevations



East Building Elevation



Svigos Development, LLC.
developer

PAPPAGEORGE
HAYMES

Pappageorge Haymes Partners
www.pappageorgehaymes.com

C East Elevation

B Existing East Elevation

A Proposed East Elevation



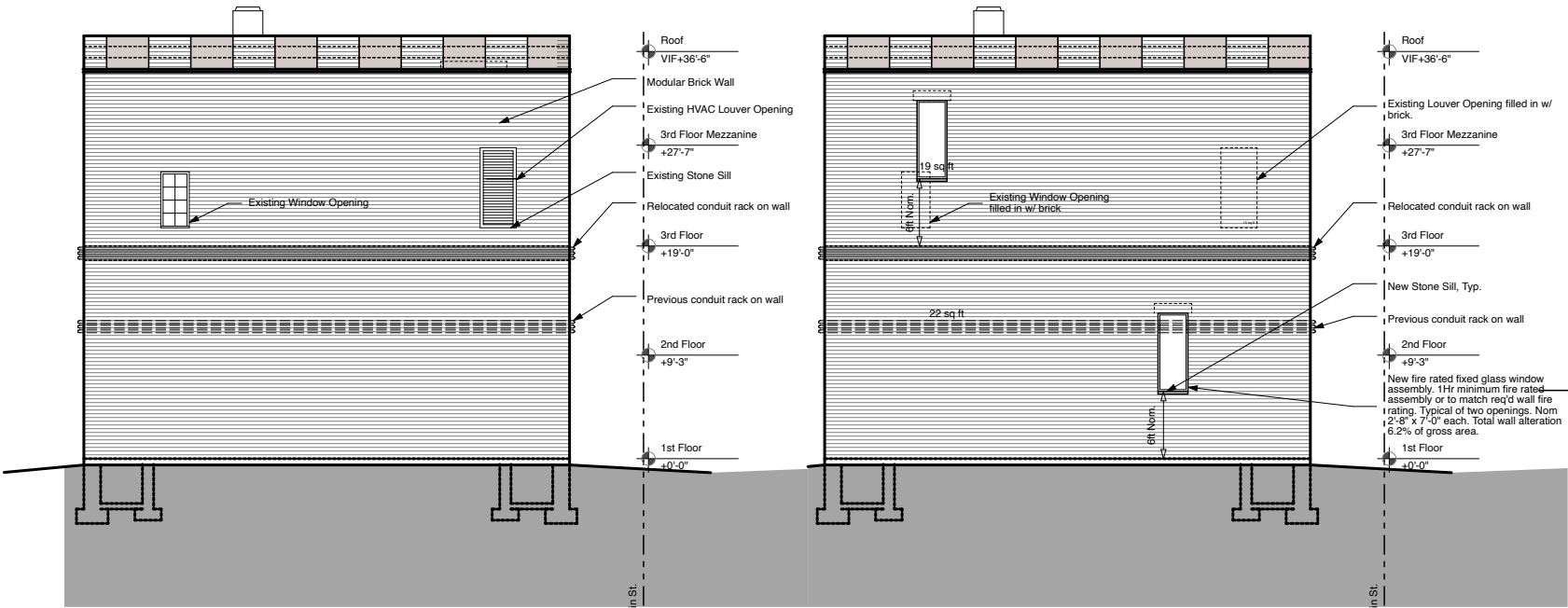
Partial East Building Elevation



Existing North & East Building Elevations



East Building Elevation



Svigos Development, LLC.
developer

PAPPAGEORGE
HAYMES

Pappageorge Haymes Partners
www.pappageorgehaymes.com

C East Elevation

B Existing East Elevation

A Proposed East Elevation

Kelly Purvis

From: Staci Springer
Sent: Tuesday, January 25, 2022 4:14 PM
To: Kelly Purvis
Subject: FW: Donna and Mark Rhodes Objection to 413 Main Zoning Request
Attachments: 413 Main - Objection Document.docx

Staci

Staci Springer
Community Development Director
Village of Glen Ellyn

From: Donna Rhodes <donna.j.rhodes@gmail.com>
Sent: Tuesday, January 25, 2022 3:55 PM
To: Staci Springer <:sspringer@glenellyn.org>
Cc: Mark Rhodes <gmarkr6060@gmail.com>
Subject: Donna and Mark Rhodes Objection to 413 Main Zoning Request

[EXTERNAL EMAIL]

Staci,
Attached is our formal objection to the 413 Main Zoning Map Amendment, Special Use Permit and Zoning Variations. It is our understanding this will be sent to the Plan Commission Members prior to the 1/27/2022 Plan Commission Meeting.

Please confirm the following:

- Receipt of this email, Objections document, and Images below.
- Delivery of all of the above to the Plan Commission Members by tomorrow, 1/26/2022.
- The current and proposed views of the East Elevation (included in this email) will be presented at the 1/27/2022 meeting.
- Exhibit A, referenced in the Objection document and included in this email will be presented at the 1/27/2022 meeting.

Thank you,

Donna and Mark Rhodes
538 Hillside

PROPOSED EAST ELEVATION

January 25, 2022

To: Staci Springer, Director of Community Development, and

Plan Commission Members: Tim Loftus, Lloyd Berry, Laura Bromann Brown, Peter Cooper, Angela Fanella, Matt Halkyard, Mohammed Saeed, Jamie Vondruska

From: Mark and Donna Rhodes, Property Owners of 538 Hillside Glen Ellyn

This is our written objection to the proposed request from 413 Main for Zoning Map Amendment, Special Use Permit and Zoning Variations.

On the Glen Ellyn Village website under the Zoning Code page, the following is stated:

"The Glen Ellyn Zoning Code was adopted with the purpose of protecting and promoting the Comfort, General Welfare, Morals, Property Values, Public Health Safety. The Zoning Code Standard includes the following statement which emphasizes that mission: "To protect residential, business, commercial and industrial area alike from harmful encroachment by incompatible uses, and to ensure that land allocated to a class of uses shall not be usurped by other inappropriate uses."

With that in mind, we ask the Planning Commission to deny the request from 413 Main for Zoning Map Amendment, Special Use Permit and Zoning Variations based on the following that would negate the Zoning Code Standard:

A. Staff Report Document

The 12/30 2021 Staff Report includes the following statement: "Along the east building façade, **some** inoperable windows will be added, **to allow light into each of the units.**"

According to Kelly Purvis, Village of Glen Ellyn Planning Manager, in an email sent on 12/28/2021, the East Elevation windows will include the following dimensions:

- First (ground) Floor and First Floor Mezzanine levels: Two sets of two windows stacked on top of each other, each opening with **Width = 5'-6 ¼" and total Height = 12'-3 ¾"**
- Second Floor Level: Two windows, each opening with **Width = 4'-9" and Height = 4'-4"**
- Second Floor Mezzanine: Two windows, each opening with **Width = 4'-9" and Height = 4'-4"**

538 Hillside Rebuttal: That is a total of eight "fixed" windows providing "light" for only two of the twelve units. These windows will completely eliminate the privacy we have in our backyard which is the **ONLY** space on our property that allows for privacy. In addition, the windows will eliminate the privacy for the first-floor renter(s) so both parties are impacted. See Exhibit A. We will be able to stand against the windows on our property and be body to body with the first-floor tenant(s) with only glass separating us. If tenant(s) want privacy, they will need to cover the windows. If we want to protect our privacy, we would be forced to plant tall bushes or use other methods on our property to block ALL windows. In both situations, the windows would be blocked so if the purpose of the

windows is “to allow light into each of the units,” then how would that be possible if all windows are blocked from the outside or covered from the inside? If the purpose is to charge more money for two units because there are only two units with side windows, then doesn’t that go against the zoning question in the Zoning Request Packet of “provide evidence that the purpose of the variation(s) is not based exclusively upon a desire to make more money out of the property in question.”

B. Zoning Variation Application Document

#5 states: Provide evidence that the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvement in the neighborhood in which the property in question is located. The applicant responded: *Granting the variation(s) will not have any negative impact on the public, other property, or improvement in the neighborhood. The surrounding building and neighbor will be unaware of the conversion.”*

538 Hillside Rebuttal: As previously stated, the proposed East Elevation windows would eliminate our privacy and therefore, we would be completely aware of the conversion which will have a negative impact on our lives and potential diminution of property value.

#6C states: Provide evidence that the proposed variation(s) will not otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of the Village. The applicant responded: *The variance(s) will not impair the public health, safety, comfort, morals or general welfare as we are only looking to provide additional apartments next to the apartment on 413 N Main and across from the new Apex Development”.*

538 Hillside Rebuttal: The applicant did not address how the variance(s) will impact the inhabitants of the Village. As previously stated, going forward with this project will significantly impact the comfort and general welfare of our lives and the lives of our neighbors by the elimination of privacy and the introduction of increased noise.

#6D states: Provide evidence that the proposed variation will not diminish or impair property values within the neighborhood. The applicant responded: *“The variance(s) will add high end residential loft style apartments which will increase foot traffic and downtown Glen Ellyn spending at shops and restaurant. The conversion from a vacant space to an occupied high end loft style apartment building will increase values throughout.”*

538 Hillside Rebuttal: The applicant did not address how the variation(s) will diminish or impair the property values within the neighborhood. Has there been a study on how adjacent properties will be impacted in value? If yes, what was the result of that study? If no, an assessment including diminution of value to our property should be completed and paid for by the applicant before the Planning Commission votes.

#6F states: Provide evidence that the proposed variation will not create a nuisance. The applicant responded: *"We do not foresee a nuisance"*

538 Hillside Rebuttal: No evidence was provided except the statement of "we do not foresee a nuisance". Approving the variations will allow the project to move forward which will create extreme issues. In addition to loss of privacy, there will be significant noise pollution with the addition of 5 patios and six balconies in the North Elevation. With the build of the Civic Center Parking Garage, the space between 413 Main and the Parking Garage on the North side created a noise tunnel which significantly amplifies all sound directed to the East. Since this noise tunnel is now an existing condition, the five patios and six balconies should be denied which would resolve the noise and loss of privacy concerns.

C. Proposed Elevations, Building Sections Document

538 Hillside Rebuttal: The East Elevation was NOT included in the Proposed Elevations Document. Current photos and proposed drawings were provided of the NORTH, SOUTH, and WEST elevations but NOT the EAST. The East Elevation proposal was only included in the Fire Protection Plans but did not include the current site in that document. Nowhere in the packet is the current view of the East Elevation. This is critical information that the PUBLIC has not had the opportunity to see in advance of the 1/27/2022 meeting.

D. Draft Finding of Fact – 413 Main Document

The Plan Commission submitted the following statements to support a motion to recommend approval of a Zoning Map Amendment, a Special Use Permit and Zoning Variations to allow the construction of apartment units within the existing building at 413 N. Main Street.

"Minimal changes to the exterior of the building will be made to accommodate the apartments (additions of windows and doors)."

"The apartments will be harmonious with many residential dwelling units and near the downtown currently."

"This apartment development will not create any more of a disturbance than any of the others that are in the proximity to the site."

"No additional impervious surface square footage will be added to the site."

"The surrounding buildings and neighbors will likely be unaware of the conversion of space."

"Will not diminish or impair property values within the neighborhood because the proposed redevelopment of the building will increase the property's value."

"This apartment development will be small and unlikely to create any noticeable impact on the surrounding area."

538 Hillside Rebuttal: We have previously refuted each statement except for “No additional impervious surface square footage will be added to the site.” What material will be used for each patio? If concrete, then that statement is not accurate and neighboring properties could potentially have significant water run-off issues.

538 Hillside and neighboring properties would experience permanent loss of privacy, quiet enjoyment and increase noise pollution cause by the twelve apartment units. This result is within the loss of value to real estate calculations.

SUMMARY:

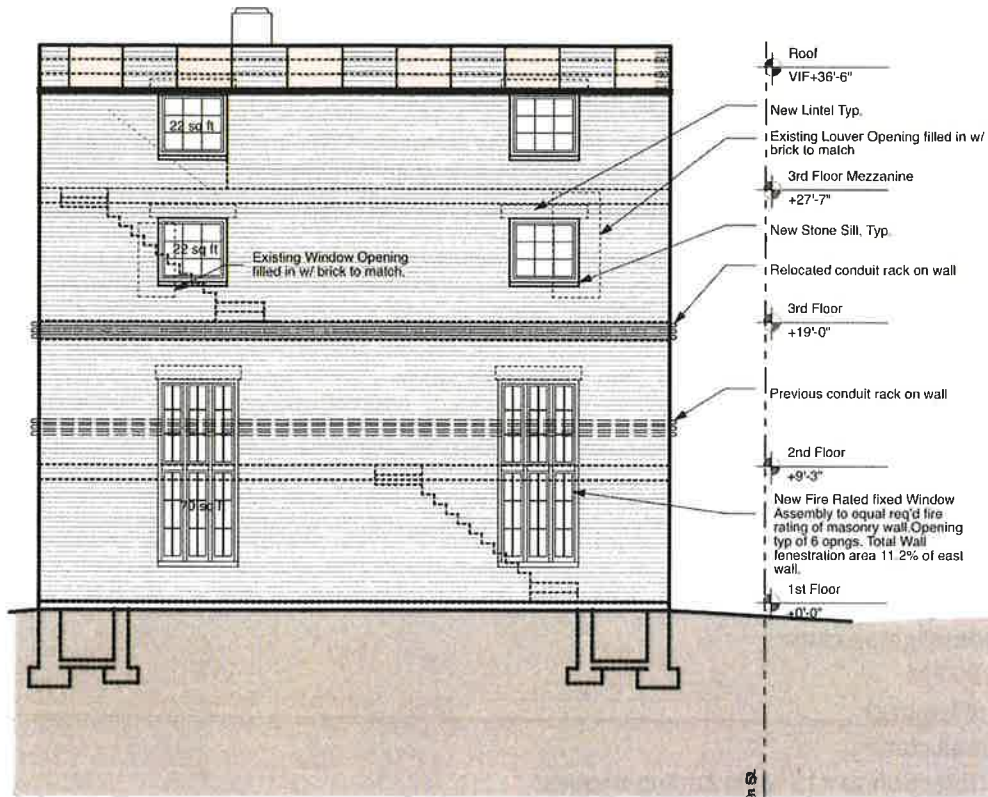
We, the owners of 538 Hillside along with many of our neighbors agree that the Plan Commission should deny the proposed variations based on the rebuttals provided.

If the Plan Commission should approve, against our objections, we submit the following conditions be required as part of the project:

- 1. Require 413 Main to NOT install any windows on the East elevation which would resolve the privacy and property value diminution concerns.**
- 2. Require 413 Main to NOT install the five patios and six balconies which would resolve the noise, privacy, and property value diminution concerns.**

**Mark and Donna Rhodes
Owners of 538 Hillside Glen Ellyn**

Exhibit A – Rendition of Window Impact on 538 Hillside is included in the email sent to Staci Springer and Plan Members on 1/25/2022.



(A) East Elevation

CURRENT VIEW OF EAST ELEVATION

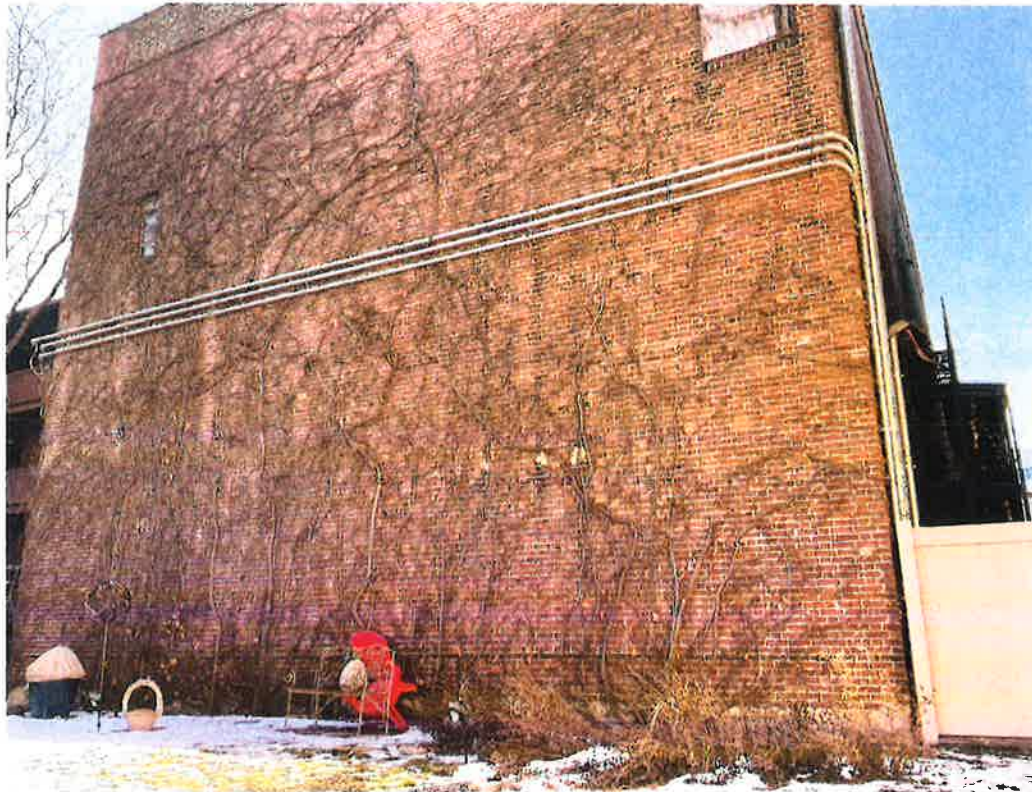


Exhibit A from Objections Document - Rendition of Window Impact on 538 Hillside



Kelly Purvis

From: todd@ekstromcarlson.com
Sent: Wednesday, January 26, 2022 9:56 PM
To: Kelly Purvis
Subject: FW: Plan Commission Meeting Thursday 1/27 at 7:00 pm

Follow Up Flag: Follow up
Flag Status: Completed

[EXTERNAL EMAIL]

I would like the following noted and read into record during the variation meeting for the apartment building next to the 538 Hillside:

Regarding the request to break Village code on this property:

- There will be a significant diminution of value to 538 Hillside in value due to the window and patio variation. Many potential buyers will walk away from any house purchase when a neighbor has windows immediately on their property line. The Rhodes backyard is beautiful, but that is lessened with lack of privacy. There are not many people that would want a neighboring multi-unit apartment with windows on their property line at eye level, a clear violation of the village code. This causes a severe lack of privacy creating a clear hardship on the immediate neighbors and decreases their home value.
- The parking garage that was built 4.5 feet off the property line against code created a noise tunnel that passes through to 538 Hillside and then to 542 Hillside and beyond. Adding patios will add additional noise at many hours of the day and night traveling down the tunnel, diminishing the value of these homes, harming the owners without consideration of the hardship they will endure. What is your solution?
- For years, 431 Main St. building has functioned until this point. I believe the building code requirements were likely in place when the building was last purchased so this is 1 of several reasons the codes should not be broken causing hardship to other neighbors. Essentially, the building is currently being operated as a business and a money maker. Some businesses make more money and some make less, but variations to code should not negatively impact, causing financial or new hardship to a neighbor.

Please deny the request for variation.

Todd Kreissler
542 Hillside Avenue

Kelly Purvis

From: Kyle Goerschler <kylegoerschler@gmail.com>
Sent: Thursday, January 27, 2022 12:00 PM
To: Kelly Purvis
Subject: Regarding 413 N Main, objections to variances

[EXTERNAL EMAIL]

Kelly,

I am requesting that you do not approve the proposed variances for 413 N Main St. in regards the windows on the east facing wall and the balconies on the north facing wall.

Regarding the windows on the east wall:

There is a clear hardship and invasion of privacy that would occur to the residents of Hillside Ave, especially for the residents of 538 Hillside. These windows represent a imposed change to the very nature of the back half of the property at 538 Hillside. Privacy, comfort, and the ability to make their home their own will all immediately be stripped away upon installing these windows. The residents of 538 Hillside will be forced to visually share there lives with at least 4 separate family units. There is a clear drop in property value that will occur as a direct result of these windows as well. The subset of people who will be open to buying a house that so intimately shares its property is going to make this a much more difficult property to sell. These windows, beyond any doubt, introduce a significant hardship.

Regarding the balconies on the north wall:

Spending only a small amount of time in the alley adjacent to the north wall would help you understand the significant noise impact that these balconies will create. The construction of the parking garage has created an exceptionally loud sound tunnel for the residents at 538 Hillside. Even seemingly normal sound levels carry without hinderance through the alley and into the backyard space at 538 Hillside. These balconies represent a clear hardship as they directly impact the peace and privacy of the current residents. They would completely drown out the privacy of 538 Hillside.

Furthermore, I feel compelled to take a stand against the way these variances were pushed through without intelectual honesty. There is no evidence of hardship on the builder to suggest the need for these variances. There is no case to be made whatsoever that these changes are minimal and won't impact the current residents. Neither is there a case to be made the these changes will be made without the residents of Hillside even noticing that they were there. Finally, I find it conspicuous that the east wall desings were not included with the rest of the changes to the building in the normal plan document. It seems clear here that is no way that the board can believe that these variances are in the best interest of the current residents.

Once again, I am requesting that you do not approve the proposed variances for 413 N Main St in regards the windows on the east facing wall and the balconies on the north facing wall.

Regards,

Kyle Goerschler
556 Hillside Ave

--

Kyle Goerschler

www.inertiahealth.com

Kelly Purvis

From: Kurt Lagerloef's Bd Tim <klags@mac.com>
Sent: Thursday, January 27, 2022 1:35 PM
To: Kelly Purvis
Subject: 413 N Main

[EXTERNAL EMAIL]

Dear Ms Purvis,

I am sorry this is an 1 hour 25 minutes late. I have been out of phone service area and this was the first chance I had to get a quick email off to you. So I would appreciate it if this could be read at the meeting tonight.

Kim and I live at 544 Hillside Ave. and we strongly oppose the windows on the east side of the building facing into our neighbors back yard. It is beyond me that this would be allowed considering the intrusion into their privacy as well as ours. I personally don't believe that obscured glazing should even be allowed due to the light pollution that would intrude on their property.

The other issue being the decks would certainly raise concerns of noise and lead to a degradation of our property values.

Please consider what our little part of Glen Ellyn has endured in the last few years with the parking garage and now another variance being requested.

Thank you for listening and your time.

Sincerely

Kurt & Kim Lagerloef

Kelly Purvis

From: Kim Severyns <kseveryns@questfms.com>
Sent: Thursday, January 27, 2022 7:44 AM
To: Kelly Purvis
Cc: donna.j.rhodes@gmail.com; gmarkr6060@gmail.com; jseveryns@alitho.com; annakreissler2@gmail.com; todd@ekstromcarlson.com; Kllags@mac.com; kimkosiek@mac.com; rmillonzi@sbcglobal.net; pbrosnan@legat.com; Jonathan.Brazier@hines.co; annearnold12@gmail.com; kylegoerschler@gmail.com; laurengoerschler@gmail.com
Subject: 413 N. Main Street

[EXTERNAL EMAIL]

Good Morning,

I am contacting you regarding your proposed renovation at 413 N. Main Street.

I am very concerned of **the enormity of the changes** to our "village" as a 4th generation resident of Glen Ellyn. While I believe that it is imperative we stay current with the times & trends, I also feel it is equally important that we respect our community and it's residents and most importantly keep the feel of the "village." The addition of these apartments with their windows and patios will vastly change the backyards of residents for quite a span down Hillside Avenue. We have already experienced significant changes in evening lighting and noise from the new parking garage. This will only add to our lack of privacy and peace that we as Glen Ellyn residents hold at a **high** level of value. This, amongst many others, is why we choose to live in Glen Ellyn.

If Zoning Codes were established for the purpose for protecting and promoting the Comfort, General Welfare, Moral, Property Values & Public Health Safety then CLEARLY approving these variances goes against that mission, especially for the residents of Hillside Avenue. The Zoning Variation Application Document shows no evidence of the applicant proving his case or demonstrating a hardship which is required for the variance to pass. The hardship that **will** occur, will be to the residents of Hillside Avenue and **mostly** the residents at 538 Hillside Avenue.

I request that the Plan Commission Members deny the request for the above variations.

It takes a village to preserve "the village."

Best,

Kim Severyns | Food Service Director

Office: (630) 829-9310

Cell: 630.742-3674 Email: Kseveryns@questfms.com



Quest Food Management Services | Fresh. Wholesome. Scratch Made.

2500 S. Highland Ave. Suite 250 | Lombard, IL | 60148

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To: Kelly Purvis and Glen Ellyn Plan Commission
From: Anna Kreissler, 542 Hillside Ave.

I live at 542 Hillside, the house immediately East of the Rhodes. Following are my opinions of the variance requests for 431 N. Main St. for the addition of windows to the East facing wall and five new patios.

We are private homeowners who choose to live in a house with private yard space and private living—no one directly above us or next to us—and we have privacy in our own yard. This is true even for our house that resides in the busy central business district. Zoning rules are in place so that we can live in the business district and still be afforded privacy. Anyone, actually, who chooses to live in a house as opposed to a multi-unit building, is afforded privacy in **and** around the outside space of their house. But if the variance for the new windows at 431 N. Main are approved this is no longer the case.

If someone places a chair and sits in the Rhodes' backyard, for instance, that would be considered trespassing. But yet what the owner of 431 Main St. is requesting to do is precisely the same. The proposed variance essentially places the tenant of that unit directly in the Rhodes' backyard. And despite rules and restrictions created long ago by the Glen Ellyn Village to protect privacy, here we are with the Village Plan Commission already supporting this request. One supporting statement is the following, quote *"The surrounding buildings and neighbors will likely be unaware of the conversion of space."* How can you believe this is true?

The above is one of two issues. The addition of five patios are also seeking approval. Since the addition of the garage in our own backyard, noise coming from the North facing corridor between the garage and 431 N. Main has changed drastically. When people are conversing in that corridor I can't discern if they are on my back porch or in that corridor next to the garage, a good distance away, despite trees, fences, and other structures that could act as sound barriers. It's a noise nuisance far above what existed prior to the garage. And the owner has written unfound evidence that existing neighbors, quote *"will not even be aware."* Again, how can you believe this is true?

There's nothing special about this construction project more so than any other when it comes to protecting existing neighbors' **privacy** and preventing an added **nuisance** for a new home construction project.

It's my intent here to sensitize the Plan Commission on these issues and of the current and future situations that may arise from **new** home owners and builders. Granting this variance completely rocks the privacy of a Glen Ellyn homeowner

I emphatically request that our own Village Plan Commission, Glen Ellyn residents yourselves, do your job here to respect the existing codes that **protect the privacy** and **prevent added nuisance** to existing neighbors of a new living dwelling project, by **denying** the variance requests noted in this opinion letter.



Public Comment - Village Board

Village of Glen Ellyn

Submitted On:

January 27, 2022 6:58pm
America/Chicago

Name Patrick Brosnan

Organization

Email pbrosnan@legat.com

Address 545 Hillside Avenue
Glen Ellyn
IL
60137

Meeting Date January 27, 2022

Meeting Name Plan Commission Meeting

Is your comment related to an agenda item? Yes

Agenda Item or Subject <https://glenellynil.civicclerk.com/Web/GenFile.aspx?ar=1038>

Comment

We strongly object to the expansion of 413 Main due to the high density of the development, lack of adequate exiting, the negative impact to the neighborhood.

1. The Village Zoning Ordinance states: Within the C5 district, all unimproved land or additions to existing structures which increase the square footage of a structure that is 4,000 square feet or greater, or increase a structure any size by more than 25 percent must be developed as a planned development, composed of permitted and/or special uses in the C5 district, and meeting all applicable requirements of the "planned unit development regulations" and "administrative procedures" herein;

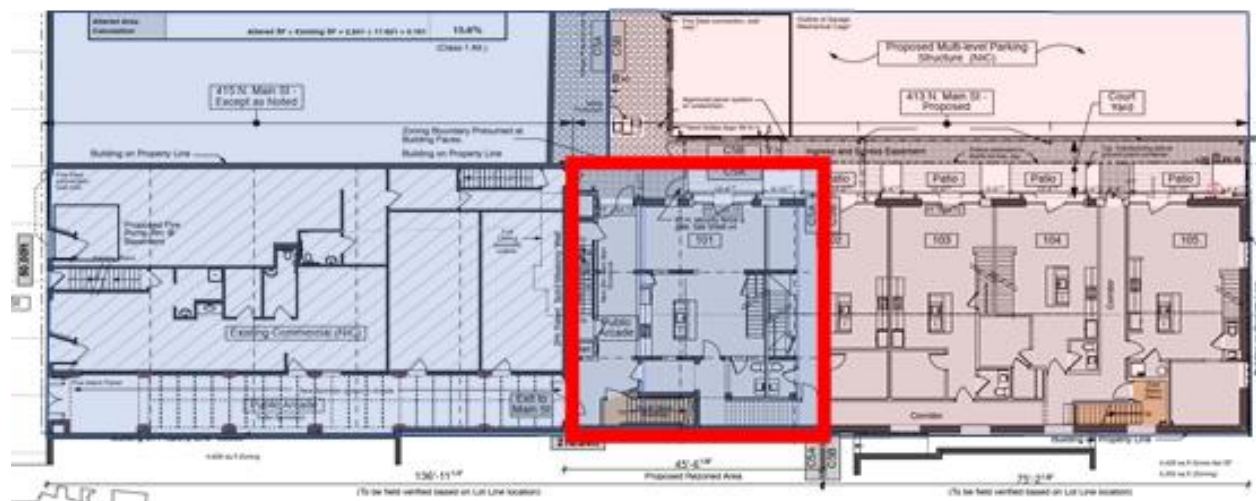
This development represents a 5,188 SF Addition to the existing building, We encourage the Village to develop this as a planned unit development and develop specific requirements necessary to accommodate this specific project. For example, requiring the Owner to bring the existing 12 units up to current code and provide appropriate fire suppression in the existing building. Ensure privacy for the neighbors and ensure quiet enjoyment of neighboring residences.

2. We object to item 4 Balconies and Item 5 Patios as follows. The development of patios and balconies is not warranted. The existing 12 units do not include patios or balconies. The addition of patios and balconies increases noise and negatively impacts the adjacent neighbors due the sounds being amplified by the masonry tunnel. The patios are just over 6 feet deep which is inadequate for use. Residents furniture, grilles, and other patio furnishings will inevitably block the narrow exit way causing a significant safety hazard.

3. We object to the elimination of landscape screening to protect the adjacent residences. The developer should provide an allowance for the neighbors to add landscape screening on their property following the completion of the project.

Thank you for hearing our objections to this development.

Rezoning Exhibit





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

Meeting 2/28/2022 7:00 PM
Department: Community Development
Department Head: Staci Springer
Category: Ordinance
Prepared By: Atrin Fard, Kelly Purvis

**AGENDA ITEM (ID
2022-1935)**

DOC ID: 2022-1935

Ordinance No. 6944, An Ordinance Denying a Request for a Construction Necessitated Zoning Variation from the Maximum Permitted Lot Coverage Requirement of the Zoning Code to Maintain a Pavilion on the Property Located at 298 Oak Street

Statement of the Issue:

Not Applicable.

Analysis:

Background

The property owner, Maureen Wallace, is requesting approval of a construction necessitated zoning variation from the Glen Ellyn Zoning Code to allow an existing pavilion of approximately 249.6 square feet to remain at the rear of the existing single-family home located at 298 Oak Street. The existing home, with a footprint of approximately 2,766 square feet, has a lot coverage of 19.99 percent and was conforming. With a combined lot coverage of approximately 3,015.6 square feet, the percentage of the lot covered by roofed structures (house and new pavilion) is 21.8 percent where a maximum of 20 percent is permitted by the Zoning Code.

The subject property and all surrounding properties are zoned R2 – Single Family Residential District and are all improved with single-family homes. Notice of a public hearing was published in the Daily Herald on January 17, 2022. The Zoning Board of Appeals (ZBA) conducted a remote public hearing on the requested Construction Necessitated Zoning Variation on February 1, 2022.

Project History

On October 21, 2019, a building permit application was filed for the subject property to install a new patio in the rear yard. On November 7, 2019, staff sent a rejection letter stating that the permit application was for a rear patio while the proposed drawings also included a roofed pavilion with a fireplace that would cover a part of the proposed patio. Additionally, it was noted that the existing two-story single-family residence was at the maximum allowable lot coverage ratio of 20%, and the addition of the pavilion would exceed the lot coverage limitation.

On November 24, 2019, the architect for the project filed their second submittal in response to the review comments where they agreed to remove the enclosed pavilion from the application and replace it with an open pergola along with the originally proposed fireplace (see attached letter). Per the Zoning Code, a pergola would be exempt from the lot coverage ratio calculation because it is

not a roofed over structure (pergolas, as defined in our Code, are constructed with an open material on top). Consequently, the plans were approved, and the permit was issued on June 6, 2020. After the final building inspection passed on September 25, 2020, the permit was closed out (see attached drawings and photos of the approved pergola).

In August 2021, the Village received a call from a neighboring property owner regarding work done on the subject property without a building permit. The Village building inspector performed a building inspection to validate the complaint. It was at this time that staff became aware of the permitted pergola being replaced with the previously denied roofed pavilion. The petitioner was promptly notified of the violation and was requested to submit the construction details for the pavilion (see attached letter). After the review of the new drawings, on September 13, 2021, staff informed the homeowners of the need to either remove the nonconforming roofed structure to comply with the maximum allowable lot coverage ratio of 20% or file an application for Construction Necessitated Zoning Variation. On October 28, 2021, the homeowner notified the Village that she prefers to pursue a zoning variation to legalize the new pavilion structure. It should be noted that a freestanding pavilion is regulated as a gazebo in accordance with the Village Zoning Code, Table 10-5-5(B)-4(18) and shall not exceed 250 square feet in area. According to the plat of survey, dated October 27, 2021, the roofed pavilion measures 20.8' by 12', for a total of 249.6 square feet. Although compliant in size, the new pavilion increased the lot coverage ratio to 21.8% which makes the property approximately 249.15 square feet over the permitted lot coverage of 2,766.45 square feet.

With the footprint of the patio on which the roofed pavilion is installed remaining unchanged and within compliance of the previously approved plans, the Village Engineer believes that maintaining the existing pavilion will not negatively impact the drainage of the property.

Per the petitioner's attached narrative statement, the family has endured the challenges of the COVID-19 pandemic that led to the closure of schools during the fall and winter of 2020. As noted in the timeline provided by the applicant, in November 2020, the homeowner replaced the pergola with a roofed-over pavilion without informing the Village (see Photos of the Built Pavilion). The petitioner also claims that maintaining the pavilion as built would provide an outdoor area for social events during cold seasons and a safe place for children to learn and play.

In order for the pavilion to remain as built, a construction necessitated zoning variation for lot coverage ratio will need to be granted. If the request is denied, the petitioner has provided a cost estimate of \$5,500 to remove the nonconforming covered structure and \$18,700 to construct a new pergola in its place

523 Fairway Court CNZV Case:

Mr. Kevin Wallace, co-owner of the home at 298 Oak Street and president of Addlawn Landscaping, Inc., has been recently involved in another Construction Necessitated Variation request as the contractor for the single-family residence at 523 Fairway Court. The Fairway CNZV case was initially filed by Michael Fisher, owner of the property, for a pergola that had been constructed in the required rear yard setback without the granting of a variation. While Mr. Fisher claimed that he was unaware that the pergola needed a variation, Mr. Wallace, the contractor of the project, took full blame for the pergola being constructed without first receiving a variation. Mr. Wallace also had confessed that he was aware of the requirement and "dropped the ball." While the ZBA recommended to deny the request, the Village Board approved it in July 2021. Therefore, both property owners were aware of zoning and variation requests.

Despite the fact that staff had fully informed the homeowners of the associated Code provisions during the permitting phase, prior to the construction of the pergola or pavilion, it appears that the petitioner deliberately chose to ignore the Village standards after the passage of the final building inspection. Had the neighbors not notified the Village of the changes that occurred after the permit was closed out, it is unlikely the Village would have become aware of the nonconformity.

Public Hearing Summary

On February 1, 2022, the Zoning Board of Appeals (ZBA) reviewed the existing conditions of the property, property history, the amount of lot coverage requiring a variation and considered the testimony from the petitioner. The property owner stated that she was initially supportive of a pergola rather than a pavilion, and she was relieved once the Village denied the plans for the pavilion during the permitting phase. She added that challenges resulting from the Covid-19 pandemic changed her decision about the approved pergola as she needed a roofed structure for the family's outdoor needs. She claimed that she was aware of a need for a variation, but the Village offices were closed at the time, and the variation process seemed to be lengthy. Therefore, she hired a contractor to replace the built pergola with a pavilion without informing the Village. She identified the impacts of the pandemic on the family's mental health as the primary hardship for the variation request, yet she agreed with the ZBA Chairman that there was no hardship related to the property.

Anthony Montalto, the adjacent neighbor and architect of the project, spoke to the quality and character of the built pavilion and claimed that he was not involved in the pavilion's construction.

He did, however, assist the property owners with the building permit for the pergola.

There were no members of the public at the meeting to speak in favor or against the request.

However, 24 letters were submitted in support from neighbors, friends, and the petitioner's children's physician (attached). Statements are based, at least in part, on experiences related to the social events that occurred within the existing pavilion during the public health crisis. Per the request of one of the ZBA members, staff read the letter from the children's physician into the record at the public hearing. The other letters were summarized by staff.

The ZBA deliberated on the practical hardship, difficulty, or unique circumstances presented by the property owner. Zoning Board members were sympathetic with the homeowner because of the challenges associated with the COVID-19 pandemic. However, the majority of the ZBA agreed that the hardship is unrelated to the property and is not due to unique circumstances, as the pandemic has impacted everyone in the Village and the world.

Five of the ZBA members were not in favor of granting the variation and were displeased with the homeowner constructing the pavilion after the passage of the final building inspection in an attempt to subvert the Village regulations. While the homeowner was aware of the Zoning requirements to build a pavilion, she deliberately disregarded the Village Code. Those not in favor, indicated that had the homeowner asked the Village in advance, there would have been a better chance of getting the variation. Some ZBA members also expressed disappointment regarding the fact that one of the homeowners was recently involved in another similar Construction Necessitated Zoning Variation request.

One of the ZBA members was in favor of granting the Construction Necessitated Variation, indicating that the letter of support from the children's physician changed his vote. He related to the petitioner's concerns regarding children's health and supported her decision as a parent. He also agreed with the rest of the ZBA members that the petitioner's actions were not in accordance with the Village Code.

One of the ZBA members abstained from voting.

Recommendation

On February 1, 2022, the ZBA voted to recommend denial of the requested Construction Necessitated Zoning Variation by a roll call vote of five “yes” and one “no” votes with one “abstention,” which was counted towards the majority of the votes. In accordance with this recommendation for denial, staff has prepared an ordinance to deny the requested variation.

Budget Impact:

Not Applicable.

Action Requested:

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

Attachments:

1. 1. Ordinance 6944 Recommendation to Deny
2. 2. Exhibit “A” – Draft Minutes of the February 1, 2022, ZBA Meeting
3. 3. Property Aerial Map
4. 4. Zoning Map
5. 5. Application Materials
6. 6. Petitioner’s Narrative Statement
7. 7. Project Timeline by Petitioner
8. 8. Plat of Survey Exhibit, dated November 30, 2021
9. 9. As Built Plans and Elevations
10. 10. Approved Pergola’s Plans and Elevations for Building Permit
11. 11. Photos of the Approved Pergola
12. 12. Photos of the Built Pavilion
13. 13. Cost Estimate to Remove Work
14. 14. Review Letter, dated November 7, 2019
15. 15. Architect’s Response Letter, dated November 24, 2019
16. 16. Inspection Letter, dated August 25, 2021
17. 17. Letters of Support



Village of Glen Ellyn

Ordinance No. 6944

**An Ordinance Denying a Request for a Construction Necessitated
Zoning Variation from the Maximum Permitted Lot Coverage
Requirement of the Zoning Code to Maintain a Pavilion
on the Property Located at 298 Oak Street, Glen Ellyn, IL 60137**

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

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

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

Ordinance No. 6944

**An Ordinance Denying a Request for a Construction Necessitated
Zoning Variation from the Maximum Permitted Lot Coverage
Requirement of the Zoning Code to Maintain a Pavilion
on the Property Located at 298 Oak Street, Glen Ellyn, IL 60137**

Whereas, Maureen Wallace, owner of the property located at 298 Oak Street, Glen Ellyn, Illinois, which is legally described as follows:

OF LOT 14 (EXCEPT THE WEST 25 FEET THEREOF) AND LOT 15 IN BLOCK 2 IN L. O. FARNSWORTH'S RESUBDIVISION, BEING A RESUBDIVISION OF BLOCKS 1,2 AND LOTS 1 TO 4, BLOCK 5 OF L. O. FARNSWORTH'S SUBDIVISION, A SUBDIVISION OF LOTS 39 AND 40, COUNTY CLERK'S SEVENTH ASSESSMENT DIVISION IN SECTIONS 3 AND 10, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, "ACCORDING-TO THE PLAT OF SAID L. O. FARNSWORTH'S RESUBDIVISION RECORDED APRIL 17, 1924 AS DOCUMENT 176475, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-10-207-064

has petitioned the President and Board of Trustees of the Village of Glen Ellyn for a Construction Necessitated Zoning Variation from Section 10-4-8(E)(1), to allow a lot coverage of 21.8 percent where a maximum lot coverage of 20 percent is permitted, to allow an existing pavilion to remain on the property herein described above, in the R2 Residential District; and

Whereas, following due notice by publication in the Daily Herald not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all property owners within 250 feet of the subject property at least ten (10) days prior thereto, and following the placement of a placard on the subject property not less than fifteen (15) days prior thereto, the Glen Ellyn Zoning Board of Appeals conducted a public hearing on February 1, 2022, at which the petitioner presented evidence and testimony in support of the request for the Construction Necessitated Zoning Variation and zero (0) persons appeared in favor of the variation request and zero (0) persons appeared in opposition thereto; and

Whereas, included in the evidence presented by the petitioner were twenty-four letters of

support for the Construction Necessitated Zoning Variation, submitted by the neighbors, friends, and the petitioner's children's physician, two of which were read into the record during the public hearing on February 1, 2022; and

Whereas, based upon the evidence, testimony, and exhibits presented at the public hearing on February 1, 2022, the Zoning Board of Appeals adopted findings of fact and voted on a motion to recommend denial of the Construction Necessitated Zoning Variation, which carried by a roll call vote of five (5) "yes" and one (1) "no" with one (1) "abstention", resulting in a recommendation for denial as set forth in its Approved Minutes dated February 1, 2022, appended hereto as Exhibit "A"; and

Whereas, included in the evidence presented by the petitioner, was a plat of survey of the as-built conditions on the subject property dated November 30, 2021, attached hereto as Exhibit "B", illustrating the location and size of existing pavilion requiring the requested Construction Necessitated Zoning Variation; and

Whereas, the President and Board of Trustees have reviewed the Draft Minutes of the February 1, 2022 Zoning Board of Appeals public hearing, attached hereto as Exhibit "A", and the evidence presented at the aforementioned public hearing and have considered the findings of fact and recommendations of the Zoning Board of Appeals; and

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

- A. That the circumstances are not unique and that there is not a practical difficulty or particular hardship related to the property; and
- B. That the property owner and the contractor removed the conforming pergola and replaced it with a solid roofed structure, knowing it was not permitted by Zoning Code, which created the need for the variation; and
- C. That granting the variation would set a precedent for other Construction Necessitated

Variations to be granted in the future; and

- D. That a Construction Necessitated Zoning Variation is not necessary to make possible the reasonable use of the land, building or structure since the homeowner could have used the permitted pergola to address family's outdoor needs; and

Whereas, the President and Board of Trustees, based on the aforementioned findings of fact, find it appropriate to deny the Construction Necessitated Zoning Variation as recommended by the Zoning Board of Appeals.

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

Section One: The Draft Minutes of the February 1, 2022, Glen Ellyn Zoning Board of Appeals meeting, Exhibit "A" appended hereto, are hereby accepted, and the findings of fact and conclusions set forth in the preambles above are hereby adopted as the findings of fact and conclusions of the corporate authorities of the Village of Glen Ellyn.

Section Two: Based upon the above findings of fact, the President and Board of Trustees hereby deny a Construction Necessitated Zoning Variation from the Glen Ellyn Zoning Code, Section 10-4-8(E)(1), to allow a lot coverage of 21.8 percent where a maximum lot coverage of 20 percent is permitted, to allow an existing pavilion to remain on the property at 298 Oak Street, Glen Ellyn, Illinois, in the R2 Residential District which is legally described as follows:

OF LOT 14 (EXCEPT THE WEST 25 FEET THEREOF) AND LOT 15 IN BLOCK 2 IN L. O. FARNSWORTH'S RESUBDIVISION, BEING A RESUBDIVISION OF BLOCKS 1,2 AND LOTS 1 TO 4, BLOCK 5 OF L. O. FARNSWORTH'S SUBDIVISION, A SUBDIVISION OF LOTS 39 AND 40, COUNTY CLERK'S SEVENTH ASSESSMENT DIVISION IN SECTIONS 3 AND 10, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, "ACCORDING-TO THE PLAT OF SAID L. O. FARNSWORTH'S RESUBDIVISION RECORDED APRIL 17, 1924 AS DOCUMENT 176475, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-10-207-064

Section Three: The Glen Ellyn Village Board of Trustees also wish to require that the

following conditions be met:

1. That the roofed over structure be removed and the property be brought into full compliance with the Zoning Code no later than March 28, 2022;
2. That the property owner receive all required inspections following the removal of the pavilion;
3. That should the property owner wish to reinstall the pergola, that a new building permit be applied for.

Section Four: The Village Clerk is hereby authorized and directed to cause a copy of this Ordinance denying the Construction Necessitated Zoning Variation to be recorded with the DuPage County Recorder of Deeds.

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

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

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

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

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

Village President

Attest:

Village Clerk

AFFIX VILLAGE SEAL

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

**DRAFT MINUTES
ZONING BOARD OF APPEALS MEETING
February 1, 2022**

Call to Order and Roll Call

Zoning Board of Appeals Chairperson Gregory Constantino announced that the evening's meeting would be conducted remotely, in accordance with a disaster declaration associated with Covid-19, and called the meeting to order at 7:02 p.m. Mr. Constantino, who explained the advisory nature of the ZBA, its function, and the procedure for making determinations about matters brought before it.

Roll was called. Present: Chairperson Constantino and Zoning Board of Appeals Members Matthew Jones, Katie Crudele, Michelle Covington, Chip Miller, Reed Panther and Thomas Whalls. Absent: Maggie Wachter.

Chairperson Constantino went over public hearing protocol, announced that the meeting will be recorded, and introduced the following individuals affiliated with the Village: Planning Manager Kelly Purvis, Planner Atrian Fard, Associate Planner Taylor Gendel, Recording Secretary Barb Dutton and Board of Trustees Liaison Anne Gould.

Motion to Allow Remote Participation

A motion to allow remote participation in the meeting by the ZBA was made by Katie Crudele and seconded by Matthew Jones passed unanimously upon roll call vote.

Approval of Meeting Minutes

Following a motion by Matthew Jones, seconded by Reed Panther, to approve the draft minutes of the December 14, 2021, the motion carried by roll call vote, with all of the Members voting, "Yes," except for Member Covington, who did not render a vote due to technical difficulties.

Public Hearing for 62 N. Main Street

A motion made by Mr. Whalls to open the Public Hearing concerning consideration of a zoning variation for 62 N. Main Street was seconded by Ms. Crudele and carried unanimously by roll call vote.

Staff Presentation

After being sworn in, Associate Planner Taylor Gendel, 535 Duane, stated that the Petitioners, the owners of 62 N. Main St., are requesting approval of a variation from the Glen Ellyn Zoning Code to allow a lot coverage ratio (LCR) of 23.95 percent to build a one-story addition on a single-family residence. The subject property, she explained, is an interior lot located in the R2 Residential Zoning District on the west side of Main Street between Joyce Ct. and Dorset Ct. The zoning and land use immediately around the property is park and single-family residential. The owners currently have an LCR of 18.43 percent, related Ms. Gendel, saying the current home was built in 1979 with an attached garage. Ms. Gendel stated that the homeowners wish to add a 4,95SF first-floor addition to expand the rear family room and convert it to office space, they say is needed for the wife's remote work. To construct the addition as proposed, continued Ms. Gendel, the petitioners would need to be granted a variation from the Zoning Code to allow an LCR that exceeds maximum allowed of 20 percent. She related LCR bonuses accorded by the Village, including a porch bonus for which the Petitioners qualify. Ms. Gendel said the Petitioner states

that when they made the purchase of the property in 1995, the maximum LCR permitted was 25 percent, and they had the intention to pursue a rear addition when they had the financial means to do so. With the addition, Associate Planner Gendel added, they plan to live in the home another 30 years.

ZBA Questions

So, to accommodate a rear garage, ZBA Member Jones asked the minimum driveway width permitted in the R2 District. Planning Manager Purvis replied that it is 9 feet, and sworn in, went on to calculate the impervious surface setback for a driveway on the subject property as 2.25 feet. Mr. Jones asked if a driveway could be put in the utility easement on the south side of the property. Ms. Purvis replied, “No,” explaining that no permanent improvements are to be constructed in the 10-ft. public utility and drainage easement (adding that doing so would require utility company permission). ZBA Member Miller asked for confirmation of the average residential lot size in Glen Ellyn. Ms. Purvis responded that while she didn’t know the average, R2 lots are required to be a minimum of 8,600SF.

Petitioner’s Presentation

John and Kathleen Naliwajko, 62 N. Main St., Glen Ellyn, were sworn in. Ms. Naliwajko stated that the Petitioners have been in Glen Ellyn since 1994, and from the beginning had thought they might add at least a porch to the house. In light of the permanent change in her work location status, and an expanding family, she maintained that the addition is necessary – asserting that the Petitioner’s would likely have to sell the house if they are unable to realize the expansion envisioned. She said they wouldn’t want to sell, stressing that they happily make use of Village amenities. Mr. Naliwajko said the living room is taken up by an office (adding that the Petitioners are also expanding the kitchen). ZBA Member Miller asked if there is a bedroom or basement space for an office for Ms. Naliwajko. She replied there is, but explained that additional kitchen space is needed (and is something they can now afford), as the existing space presents a hardship in hosting family dinners. Ms. Naliwajko stated that the LCR requirement used to be under 20 percent.

Sworn in, the Petitioners’ architect, Rick Rearick, 155 N. Park Blvd., Glen Ellyn, reiterated that the utilities easement restricts the ability to feasibly build a detached garage on the property, and said the change in the Zoning Code in the years they owned the house is a hardship, as well as is to the work-from-home arrangement which begs for office space away from other areas of the house. He called the addition as planned a practical solution that requires less lot coverage than a detached garage, and less impervious area.

Recognizing that the easement (south) restricts the only practical area on the property for a driveway to get to the rear portion of the property, Chairperson Constantino asked if the amount of space needed is the least amount practically as it relates to the amount of the variance requested. Mr. Rearick stated that he believes it is the smallest amount practical that still works. The Chairperson asked the Petitioners if there had been any contact with the neighbors – and any feedback received. The Petitioners responded negatively, though Ms. Naliwajko’s said her sister who lives next door is supportive of the project. Mr. Rearick noted that the addition could have been bigger prior to 2000.

ZBA Member Panther reviewed the findings of fact. ZBA Member Covington asked for a motion to accept the findings; seconded by ZBA Member Jones, the motion passed unanimously by roll call vote.

Deliberation

ZBA Member Covington said she was inclined to approve, given the Code change mentioned. ZBA Member Crudele cited this Zoning change, as well as the easement restriction, as reasons she intends to vote in favor. Due to the easement situation, Member Jones said he was “okay with it.” Member Miller said he couldn’t go with the office space or the Code change as reasons to approve the request, but can go along with the easement hardship. Mr. Panther said he sees the Code change as presenting a challenge, though expressed concerns about setting a precedent; however, along with the easement challenges, is in favor. Mr. Whalls indicated that the side yard setback issues are “tough.” Observing no setback encroachments, storm-water drainage issues or neighbor vision impairment with the plan, said he is “in” on this one. Chairperson Constantino opined that in past lot coverage change has not been considered a hardship (though he thought this might change given all the teardowns replaced by oversized houses), and doesn’t think that work-from-home trends necessarily represent a general hardship, but given the easement restrictions in the case at hand, said he will recommend approval of the variance.

Member Whalls, seconded by Member Covington, moved to close the public hearing; the motion passed unanimously by roll call vote.

ZBA Member Miller moved for the following:

Having considered the application of John and Kathleen Naliwajko, owners of the property located at 62 N. Main Street, Glen Ellyn, for a zoning variation from Section 10-4-8(E)(1) to allow a lot coverage ratio of 23.95 percent where a maximum 20 percent lot coverage ratio for two story single-family dwellings is allowed in the R2 Residential District, 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 February 1, 2022, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following hardship(s) or unique circumstance(s): Due to easements the owners cannot use the garage bonus because there’s no space for a driveway. Seconded by ZBA Member Jones, the motion passed unanimously by roll call vote.

Public Hearing for 737 Forest

A motion made by Member Miller, seconded by Member Covington, to open the Public Hearing concerning consideration of a zoning variation for 737 Forest passed unanimously by roll call vote.

Staff Presentation

Sworn in, Associate Planner Taylor Gendel, 535 Duane, Glen Ellyn stated that Petitioner Ray Whalen Builders Inc., owner of the property at 737 Forest Avenue, requests approval of a variation from the Glen Ellyn Zoning Code to allow an LCR of 26 percent for the property, an interior lot located in the R2 Residential Zoning District, on the east side of Forest between Oak Street and Maple Street. The zoning and land use immediately surrounding the subject property is R2 single-family residential, she said, explaining that the Petitioner proposes constructing a new single-family home at 737 Forest. The proposed residence would have a 26-percent LCR. This variation request to exceed the maximum LCR is due to the fact that there are large Oak trees on the property that the builder would like to preserve, she stated. The placement of the trees, she continued, prohibits him from building a new detached garage in the rear yard. The extra lot coverage requested, she explained, is to construct a home with an attached garage which will allow the trees in the back yard to be saved. Petitioner Whalen has indicated that he can construct a code-compliant home with a detached garage, said Ms. Gendel, but the large Oak trees would

have to be removed. She stated that the Village's tree consultant has reviewed the plans and agreed that construction of a new attached garage would damage the two Oak trees.

What he is proposing instead, she said, is to construct the same square footage on the lot as would be permitted if he were getting the detached garage bonus of 500SF. Therefore, the lot coverage ratio would be 26 percent where 20 percent is allowed, however, the actual square footage coverage of the lot would be the same in either case. The Petitioner is willing to attach the garage to the home to save the Oak trees (forgoing the detached garage bonus) but would like to be able to build the same square footage in the home. He does anticipate the home having a front porch and he would benefit from the lot coverage bonus of up to 240SF for that improvement. The Petitioner has indicated that the proposed home would meet all other requirements of the Zoning Code.

If the variation is granted, said Associate Planner Gendel, the Oak trees saved would be numbers 14 and 16 on a Lot Development Plan she displayed. According to the Petitioner's tree consultant, they are in reasonable condition and stand great likelihood of survival, providing the appropriate steps are taken to reduce the impact of the construction. Trees 14 and 16 would undergo significant damage from construction if the existing garage is to be torn down and replaced, she continued, saying that according to the consultant, if the garage is to be replaced the trees may still be salvaged, but doing so would require more in-depth pre- and post-construction treatment to enhance their likelihood of survival. The Village's tree consultant, she related, agrees that these two trees would do best if the existing detached garage was demolished without being rebuilt. Ms. Gendel related that the Village's consultant also stated that trees 14 and 16 are approximately 2 ft. from the current structure and it is likely they have adjusted to the current garage; roots likely have grown around it and would be minimally disturbed by the garage's removal. A new structure would likely cause more ground disturbance and the need for root pruning, especially if the size of the detached garage were to change. Ms. Gendel related that the Village's consultant mentioned that Oaks can live upwards of 200 years, and that she also recommends not removing trees 4 or 8 and disagrees with the Petitioner's submitted tree evaluation, specifically with regard to these trees, which the consultant deemed also significant and in fair condition. Ms. Gendel reported that Mr. Whalen provided an updated demolition plan and notes that tree No. 4 would likely require removal to accommodate water and sewer line placement.

ZBA Member Jones asked for confirmation that existing garage (built in 2015) is not a blight to be removed. Ms. Gendel didn't believe so. Mr. Jones asked if it could be kept. Ms. Gendel thought so.

Petitioner's Presentation

Ray Whalen, 177 Sunset Ave., Glen Ellyn, was sworn in. He stated that after the subject property was under contract, he learned that to construct a new, code-compliant home he would have to remove a significant number of trees, which he contends are an important aspect of the character of this particular neighborhood. Encouraged to seek a variation by combining the LCR bonuses, he continued, he wishes to build a 2,100SF residence while saving Oak trees on the property. He argued that a front-load attached garage would require less impervious surface, benefitting a neighborhood that already has water problems. This plan would also allow more open space in the rear yard, he added. He stated that he met with a tree consultant, whose report with which the Village's consultant concurs. Urged to seek Village Board input, Mr. Whalen related that he was instructed by Village President Senak to respect the process, and that the Petitioner sought input from the Historic Preservation Commission and has been invited to attend the Feb. 15th meeting of the Environmental Commission to discuss tree protection.

For clarification, the Petitioner stated that he only owns the property at 737 Forest, which he acquired it after the owners of 735 Forest and who contacted him about building a house on that lot. Mr. Whalen maintained that the variance he's seeking will allow him to have a greater side-yard setback between the two houses. He concluded by saying that he wants to build a house that meets today's standards, and refuting an accusation of greed (i.e., overbuilding on the property), said that carrying the property while going through the process to save trees comes at a cost to him (as does designing a custom plan).

Confirming that the Petitioner paid a premium for the lot, Member Jones asked the Petitioner if he felt he overpaid for it, saying he expects prized properties in town to command high prices in the future. Mr. Whalen stated that between the subject property and the one adjacent to it, it is the highest cost paid per square-foot in Village history, and that he's seen greater price increases in Elmhurst and Downers Grove. Mr. Jones asked if Mr. Whalen if this is in part due to LCR coverage and whether a higher LCR would allow more building being done in Glen Ellyn. Mr. Whalen said an appraiser he used feels Glen Ellyn's values declined. The Petitioner said he thinks homes are quite large already, especially on smaller lots. Responding to a further question from Mr. Jones, Mr. Whalen stated that Public Works requires 10 feet of separation between Tree #4 and water and sewer lines, explaining that this is horizontally, as the Village doesn't permit shelving outside of unique circumstances.

ZBA Member Miller asked what's wrong with the six-year-old garage that it can't be resided. Mr. Whalen replied that, in addition to being a poorly placed ugly structure, it is only about 19 feet wide inside, and the overhead door is only 7 ft. tall, so doesn't accommodate an SUV. (He also indicated that the neighbors to the rear want it gone.) Mr. Miller asked the plans for sewer and water, to which Mr. Whalen responded that the Village has upgraded the sewer and water, so going into the parkway to the B box (where there's a cleanout) is currently Code compliant. Given the buildable area, he said he'll be required to come across the sidewalk and separate sewer and water as far as he can as quick as he can to meet the State's 10-ft. requirement, only going from the B-box to the new home. In response to a question from Member Miller about setting precedent among developers, Mr. Whalen said the proposed project is distinguished by the objective of saving trees, which for him amounts to a long-term perspective.

ZBA Member Whalls asked if the electricity would be coming in from the back or the front yard. Mr. Whalen said he'd not gotten that far, but that it would not be traversing over the garage, but rather it will be underground. Mr. Whalls asked how close the trenches would be to either of the big trees. Mr. Whalen said the lines will be on the southeast corner and doesn't think he'll impact the trees.

Chairperson Constantino, referring to the Petitioner's request for direction at the December Zoning Board of Appeals meeting, recalled Mr. Whalen granted the variation using the bonus square footage being agreeable to placing a condition on the property prohibiting a larger structure being built in the future, and wondered if Mr. Whalen is still willing to accept such a condition. Mr. Whalen replied, "Absolutely," adding that he is amenable to not building over the porch, saying he's not looking to build "a monstrosity."

Disturbed by the proposed 26 percent LCR, Mr. Jones asked the Petitioner if he'd be willing to take off the screen porch to bring down the percentage. Mr. Whalen replied, "Probably not," maintaining that the porch is a selling feature. Mr. Jones expressed that he's more comfortable with an LCR of 25 percent. Mr. Whalls wondered what the square footage would be if the LCR was capped at 25 percent. Planning Manager Purvis calculated the difference as 80SF. Chair Constantino asked if the LCR would also be 26 percent with a detached garage (and qualifying for the bonus); Mr. Whalen replied affirmatively.

Ms. Gendel read into the record the following letters received:

Stacey Zagortz, 745 Forest Ave.: *I would like to express my concerns of flooding/run-off with the proposed variance of 30% increased lot coverage. As the house at the bottom of a hill, our home has flooded multiple times from run-off caused by melting snow and rain. We have at significant financial burden, remedied these problems. We oppose this measure. We would like the zoning committee to fully understand the drainage run-off implications and we want to understand what recourse we have with the Village should the measure be approved and should we start to once again experience drainage issues.*

Steven and Beth Dimmitt, 737 Forest Avenue: *My name is Steven Dimmitt and my wife Beth and I recently purchased the home/lot at 735 Forest Avenue in Glen Ellyn.*

We have lived twice previously in Glen Ellyn and made the mistake to move out to Elmhurst. We are now working to move back to what we feel is the most beautiful suburb in Chicagoland.

One of the main reasons we are moving back is the beauty of the town which includes all of the trees in the neighborhoods especially around the lake. We understand that Forest Avenue actually derived its name from the myriad of trees on that street.

We understand that Ray Whalen Builders is requesting a zoning variance on 737 Forest Avenue that would require going beyond the allotted LCR for the purpose of saving trees on that lot.

Beth and I are in full support of this. Our lot next door is a great location in part due to the trees in our yard, the trees on 737, the trees to the south of us and the trees behind (to the east of us).

We have built homes before and to have a builder want to save trees is an anomaly in our experience. Builders usually want to cut down trees to make the process easier.

We chose Ray Whalen Builders to build on our lot as well and one of the reasons was his willingness to work around the trees on our lot. It would have been easier to build a one story home using the 35% LCR but it would have taken out some wonderful trees in the backyard of 735 Forest. Ray is working with us to find a way to save them. We have already invested >\$7K in protecting and maintaining the trees on that lot.

In closing, we hope that Ray Whalen's request is approved as we need to keep all the trees we can in Glen Ellyn...not only for the beauty of the town but what it does for our environment and health.

Deb and Greg Klamrzynski, 735 N. Park Blvd.: *Good morning. I'm writing this email in support of the variance sought by the owners of 737 Forest Avenue. We (Greg and Deb Klamrzynski; 735 N. Park Blvd.) are unable to attend tonight's meeting; however, we are in support the variance requested.*

The variance requested would preserve several beautiful and well established oak trees. Our neighborhood is characterized by the stunning trees that line the streets and populate our neighbor's property. While I understand that sometimes it is necessary to remove trees to accommodate a new construction, I believe that when there is a solution that would allow homeowners to preserve well established trees, we should do what we can within reason to preserve them. Removing the trees to accommodate a detached garage would destroy so much beauty and history of the land in this neighborhood. Additionally, granting this variance wouldn't increase the lot coverage ratio. The exception requested is not unreasonable to retain the character and beauty the trees bring to the Lake Ellyn neighborhood.

Thank you for your consideration of this variance.

Jeffrey J. Basso, 726 N. Park Blvd. was sworn in. After some discussion to clarify the garage bonus allowance offered by the Village, Mr. Basso voiced an objection to the project, saying that an LCR of 26 percent “seems excessive,” saying he doesn’t want to see a house that is too big for the lot (though would like to see the existing garage removed). Mr. Constantino stressed that the issue at hand is the square-footage of the footprint on the property, a clarification for which Mr. Basso expressed thanks.

ZBA Member Panther reviewed the findings of fact. ZBA Member Whalls asked for a motion to accept the findings; seconded by ZBA Member Covington, the motion carried unanimously by roll call vote.

Deliberations

ZBA Member Covington said that while saving trees is important and she finds reducing impervious surface an attractive argument, she thinks an LCR of 26 percent is “awfully high,” and doesn’t understand why another type of home (of a different size) can’t be built on the lot. ZBA Member Crudele said she can get “on board” with keeping the trees and accommodating the water issues by potentially increasing impervious surface, however, thinks the 26 percent is high. In the interest of maintaining the “essential character of the neighborhood, she said is leaning toward recommending approval. While he appreciates the effort to save trees, ZBA Member Jones indicated that it would be easier to reach a determination if he could see a complete plan, to gain an understanding of the bulk it presents for the building, but added that at 26 percent LCR, he’s a “No.” Board Member Miller said that while he believes the Petitioner is trying to save trees, he draws the line at 25 percent. With the trees being assessed to be only of “fair” quality, he said he’s concerned about setting a precedent, so would vote, “No” on approving the Petitioner’s request. Undecided, Commissioner Panther also expressed concern about the 26-percent LCR, and Commissioner Whalls said that despite some plan aspects of which he is in favor, 25 percent is his maximum. Chairperson Constantino said he struggled with the 25 percent limit vs. 26 percent request but would be in favor of recommending granting the requested variation, citing Preservation Commission support, neighbor opinion, and the prospect of losing mature trees.

Associate Planner Gendel reported that the Village’s Consulting Engineer had no concerns about storm water (and said that if the developer is decreasing the amount of impervious surface, he won’t be required to provide a dry well, but given the topography will have to direct runoff toward Forest). Regarding Mr. Miller terming trees in “fair” condition, she said, according to the Arborist trees assessed to be in “excellent” condition are only found in an arboretum, so “fair” is a normal grading of a healthy tree in a residential area. Mr. Whalen interjected that increasing the area between the two new homes will help in water management.

Commissioner Covington asked if there’s a reason another type of home can’t be constructed on the lot. Mr. Whalen explained that the plan starts with the garage dimension, which limits the width of the home that can be built, and added that the lot is on an angle and so is also a constraint. After the Chairperson polled the members as to their stance, Ms. Crudele moved to close the public hearing; seconded my Member Covington, the motion passed unanimously by roll call vote.

ZBA Member Whalls moved for the following:

Having considered the application of Ray Whalen, owner of the property located at 737 Forest Ave. Glen Ellyn, for a zoning variation from Section 10-4-8(E)(1) to allow a lot coverage ratio of 26 percent where a maximum 20 percent lot coverage ratio for two story single-family dwellings is allowed in the R2

Residential District, 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 February 1, 2022, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following hardships or unique circumstances:

1. Improvement of drainage in the rear yard;
2. The preservation of mature Oak trees on the property;
3. And that if using the exemption on the 500 ft. for the garage whether it's attached or detached the LCR is pretty much the same.

Seconded by ZBA Member Crudele, the motion carried by roll call vote, with Members Whalls, Crudele, Panther and Constantino voting, "Yes;" and Members Jones, Covington and Miller voting, "No."

Public Hearing for 298 Oak Street

A motion made by ZBA Member Crudele, seconded by Member Whalls passed unanimously by roll call vote.

Staff Presentation

After being sworn in, Planner Atrian Fard, 535 Duane Street, reviewed the case for a construction-necessitated zoning variation request: The subject property, 298 Oak Street is an interior lot on the north side of Oak Street and between North Kenilworth Avenue and Western Avenue. The Petitioner is requesting a public hearing for to allow a lot coverage ratio (LCR) of approximately 21.8 percent on the subject property in lieu of the maximum permitted lot coverage ratio of 20 percent. The subject property and all surrounding properties are zoned R2 – Single Family Residential District and are all improved with single-family homes. Planner Fard related that on October 21, 2019, a building permit application was filed for the subject property to install a new patio in the rear yard. Several days later, stated Planner Fard, Staff sent a rejection letter stating that the permit application was for a rear patio; the drawings also included a roofed pavilion with a fireplace that would cover a part of the proposed patio. Additionally, she continued, Staff at the time noted that the house was at the maximum allowable LCR of 20 percent, and the addition of the pavilion would exceed the lot coverage limitation. Consequently, stated Ms. Fard, the architect for the project, Mr. Anthony Montalto, filed their second submittal in response to the review comments where they agreed to remove the enclosed pavilion from the application and replace it with an open pergola equipped with the originally proposed fireplace. Per the Zoning Code, she explained, a pergola would be exempt from the LCR calculations because it is constructed with an open material on top so is not considered a roof structure.

So, the plans for the pergola were approved, continued Ms. Fard, who said that on June 6, 2020, the permit was issued. After the final building inspection passed on September 25, 2020, the permit was closed out. In August 2021, she related, the Village received calls from a neighbor regarding work done on the subject property without a building permit being obtained. The Village performed a building inspection and found that the permitted pergola had been replaced with the previously denied roofed pavilion. The Village notified the Petitioner of the violation and requested construction details for the built pavilion, which currently exists. After reviewing the new drawings, Staff informed the homeowners of the need to either remove the nonconforming roofed structure to comply with the maximum allowable

LCR of 20 percent or file for a Construction-Necessitated Zoning Variation (CNZV). On October 28, 2021, the homeowners filed for a CNZV request.

The Village Zoning Code, explained Planner Fard, regulates a freestanding pavilion as a gazebo, which is not to exceed 250 sq. ft. in area. According to the most recent plat of survey, she stated, the roofed pavilion measures 249.6 sq. ft. Although compliant in size, the new pavilion increased the lot coverage ratio to 21.8 percent that would make the property approximately 249.15 sq. ft. over the permitted lot coverage of 2,766.45 sq. ft.

According to the Petitioner, reported Planner Fard, the family faced a lot of challenges due to the Pandemic, which led to the closure of schools during the fall and winter of 2020. So, in November 2020, continued Ms. Fard, the homeowner replaced the pergola with a roofed pavilion without informing the Village. The Petitioner also claims that maintaining the pavilion as built would provide an outdoor area for social events during cold seasons and a safe place for children to learn and play. A zoning variation for LCR will need to be granted for the pavilion to remain as built, said Ms. Fard. If the request is denied, she added, the Petitioner will have to spend approximately \$5,500 to remove the nonconforming covered structure plus another \$18,700 to construct a new pergola in its place.

Planner Fard cited a previous matter before the ZBA: The homeowner of 298 Oak, Mr. Kevin Wallace, president of Addlawn Landscaping Inc., has been recently involved in another CNZV request as the contractor for the single-family residence at 523 Fairway Court. The Fairway case was initially filed by Michael Fisher, owner of the property, for a pergola that had been constructed in the required rear yard setback without the granting of a variation. While Mr. Fisher claimed that he was unaware that the pergola needed a variation, Mr. Wallace, the contractor of the project, took full blame for the pergola being constructed without first receiving a variation. Mr. Wallace also had confessed that he was aware of the requirement and "dropped the ball." While the ZBA recommended denying the request, the Village Board approved it in July 2021. Despite the fact that Staff had fully informed the homeowners of 298 Oak of the Code provisions during the permitting phase prior to the construction, said Planner Fard, it appears that the petitioner deliberately chose to ignore the standards after the passage of final building inspection. If the neighbors didn't notify the Village of the changes that occurred after the permit was closed out, she noted, the Village would never have become aware of the nonconformity. Ms. Fard outlined ZBA possible action on the case at hand.

Petitioner's Presentation

Maureen Wallace, 298 Oak St., and Anthony Montalto, 304 Oak St. of Glen Ellyn, were sworn in. Ms. Wallace stated that she has four children who were schooled from home during the Covid-19 pandemic, and that with her working from home, the family needed a quiet place to work. She said the situation was taking a mental toll on her diabetic teenage son. She continued, saying that with the parks, schools and restaurants closed, there was no place for teenagers to hang out, and with socializing now being done outdoors, the space that is the subject of the hearing provided a place for youngsters to gather safely and supervised. She contended that she did what was right for her family at the time, and that removing the subject structure would be a hardship – both financially and for her children's wellbeing. Further, Ms. Wallace placed blame for the aforementioned Fairway Court mishap on an employee of her husband's company, saying her husband was unaware of it until it became an issue with the Village, and that he accepts responsibility in the matter. She further stated she was glad when the pavilion plan was initially

denied, but when the idea resurfaced once Covid-19 hit, she decided in the interest of time to move ahead without a variation.

ZBA Member Whalls, who later told Ms. Wallace that she did not go about her pursuit the right way, asked her why she did not get a revised permit. Ms. Wallace replied that she was fine with the pergola, but after schools shut down, she felt something needed to be done as her children were suffering. Chairperson Constantino asked Ms. Wallace why, in coming to this decision, she did not attempt to obtain a new permit or initiate the variation process. Expressing a “timing issue,” Ms. Wallace responded that the Village offices were closed at the time, she perceived the permit process to be slow, and the plan to move ahead with the project as they did represent an “immediate need,” citing health concerns. She indicated she would have done so under different circumstances. Mr. Montalto, neighbor and architect, attested to the quality of construction and the character of the pavilion. Mr. Miller asked who built the roof. Ms. Wallace said it was a contractor she found. Mr. Constantino asked what hardship relative to the property she could identify. Ms. Wallace said she did what she did to bring her son out of a “funk.”

Planner Fard referred to a table she created listing 24 letters received in support of the pavilion and the variation requested and read into the record the following letters received. (The first of these was not listed in the table, and the second one, while listed, was specifically requested by Member Jones to be read aloud.)

Jim & Patti Campanella, 323 Elm Street, Glen Ellyn: To whom it may concern -

I am writing this letter regarding the property located at 298 Oak Street which is occupied by the Wallace Family. It was brought to my attention that the Village of Glen Ellyn is considering having the Wallace's remove an outdoor structure in their backyard. While our property is not adjacent to the property in question, I am familiar with the home and the new outdoor living space.

The Wallace Family prides themselves on carefully maintaining their property. I walk my dog by their home everyday and admire how much care & effort they put into it.

The structure is only 1.2% over the lot to roof ratio [LCR]. That small ratio seems insignificant in my opinion. It would be a shame if the Wallace family had to remove the structure. I know family & friends enjoy using the space, and it was beautifully constructed to aesthetically enhance their outdoor living space.

I hope the Village does the right thing and allows the Wallace Family to keep their beautiful outdoor space intact.

Laura Levin, Attending Physician, Division of Endocrinology, Ann & Robert H. Lurie Children's Hospital of Chicago:

To Whom It May Concern-

Ryan has Type I diabetes, which is an autoimmune condition. Since he has an autoimmune condition, he is considered immune compromised. During Covid, many teens have experienced some struggle with mental health. Particularly, we have seen this in our patients with diabetes. Ryan was beginning to show signs of this. The social isolation really affected many teens, and has led to an increase in depression and anxiety. As providers, we recommend that our patients socialize in distanced outdoor space for their own health and wellbeing. Being outside is considered safer for everyone during Covid, but especially for the immune compromised.

ZBA Member Panther presented the findings of fact, which Member Miller then moved to approve. Seconded by Member Covington, the motion carried unanimously by roll call vote.

Deliberation

ZBA Member Covington said we all had to deal with similar struggles, but we still have to follow rules as part of a community. Ms. Crudele said she understands the struggles expressed by the Petitioner but wishes the process could have been started for the variance. Saying the Petitioner displayed a complete disregard for the rules and regulations of the Village, Ms. Crudele said she is voting, “No.” to the variation, calling this a case of asking for forgiveness rather than permission.

ZBA Member Miller pointed out testimony indicating that the Petitioner’s husband knew of the short cut and was against building the pavilion. Mr. Miller also suggested that one could still go outside with a pergola in place. Mr. Miller didn’t see why at the time of the inspection in 2020, the Petitioner didn’t ask if the Village could speed up the process. Given that no attempt was made, Mr. Miller said he can’t vote, “Yes” to the variance, but rather is compelled to offer “a hard ‘No.’” Board Member Reed concurred, believing that the Petitioner deliberately tried to circumvent the process. With the Village rejecting the original structure, and the inspection of a different structure, he doesn’t have a lot of sympathy for the Petitioner, so his decision on the appeal is “No.”

Reiterating his bewilderment as to why the Petitioner hadn’t gone for another permit, ZBA Member Whalls. He said there are “millions of kids in this situation,” and asked why the Petitioner didn’t protest the issue with the State. Referring to Petitioner testimony about Village delays as “hearsay,” Mr. Whalls said his verdict is a “solid ‘No.’” Chairperson Constantino said that he is against recommending granting the variation, as action was taken with no attempt to request a variation and didn’t hear expressed a hardship or unique circumstance outside of Covid. He indicated that the Petitioners knew of the Department’s requirements and its position, hence brought the problem upon themselves, and that he would not recommend to the Board the granting of this variation.

Though ZBA Member Jones deemed that the Petitioner’s actions technically wrong by Village standards but said that his personal opinion is the mother did was right as a parent. While the determination should be a “No” and the Board is making the correct choice, he said he is sympathetic to Ms. Wallace’s situation, so will give her a “Yes” vote.

Planner Fard pointed out that because the requested variation only exceeds the LCR by 1.8 percent, and a variation request up to 2 percent is permitted to be handled administratively, the Petitioner could have appealed to Village Staff, which would not only have been quicker, but the Petitioner had a better chance to get approval. Chairperson Constantino surmised that because the work has already been done, it is too late for this course of action. Ms. Fard confirmed that this is correct. Mrs. Wallace said she was never notified of this option.

ZBA Member Whalls moved to close the Public Hearing on 298 Oak. Seconded by Crudele, the motion carried unanimously by roll call vote.

ZBA Member Miller moved for the following:

Having considered the application of Maureen Wallace, owner of the property located at 298 Oak Street, Glen Ellyn, for a construction necessitated zoning variation to allow a lot coverage ratio of approximately 21.8 percent on the subject property for which the maximum permitted lot coverage ratio is 20 percent, as

depicted on the plans presented or revised at the public hearing, the Zoning Board of Appeals hereby recommends DENIAL of the requested zoning variation from Section 10-4-8(E)(1) of the Glen Ellyn Zoning Code based upon the following findings of fact:

1. That the plight of the homeowner was not due to unique circumstances or a particular hardship; the entire village was suffering from Covid. Many families have a large number of children, and many families have immune-compromised children.
2. That this particular difficulty or hardship has been created by the persons presently having interest in the property, because the pavilion was already rejected and work on the pavilion was started right after they finished the final inspection. They never tried to get a variance; this is not the first this family was involved in a very similar situation in Glen Ellyn.

Seconded by Member Panther, the motion passed 6-1 by roll call vote as follows: Members Miller, Panther, Whalls and Crudele, and Chairperson Constantino voted, "Yes;" Member Covington abstained, and Member Jones voted, "No."

Chairpersons Report

Given the late hour, Chairperson Constantino thanked everyone for their time, effort and patience.

Staff Report

Planning Manager Purvis reported that Planner Fard is working on a presentation to deliver to the ZBA about handling construction-necessitated variations. Member Whalls asked how many times the Village Board has overturned the ZBA on construction necessitated variations, to which Ms. Purvis said the Board has approved every one. Mr. Whalls asked the status of updating building and zoning codes, including LCR and roof-height requirements, and asked about meeting with builders and architects. Ms. Purvis said Development Director Staci Springer is putting together a response to feedback about Building Division practices gleaned from a recent Building Board of Appeals (BBA)-hosted builders' forum. She related, too, that the building Codes update process is underway, but that nothing is currently being researched relative to LCR changes to the Zoning Code. Ms. Fard said it is probable that another construction-necessitated variation case will be on the March 8th ZBA agenda.

Trustee's Report

Trustee Liaison Anne Gould related that the Architectural Review/Appeal Commission is moving toward reconstitution, with seven members to be chosen to serve. Also, she reported that the Harding-Glen Townhome development was approved, and that the Village is moving forward with the hotel property, for which a charrette session is planned.

Ray Whalen declared Planning Department restructuring beneficial and said that Building Division staff additions have improved efficiency.

Adjournment

Chairperson Constantino adjourned the meeting at 10:39 p.m., following a unanimous roll call vote on a motion made by ZBA Member Covington, and seconded by ZBA Member Jones.

Respectfully submitted,

Barbara Dutton-Thomas
Recording Secretary



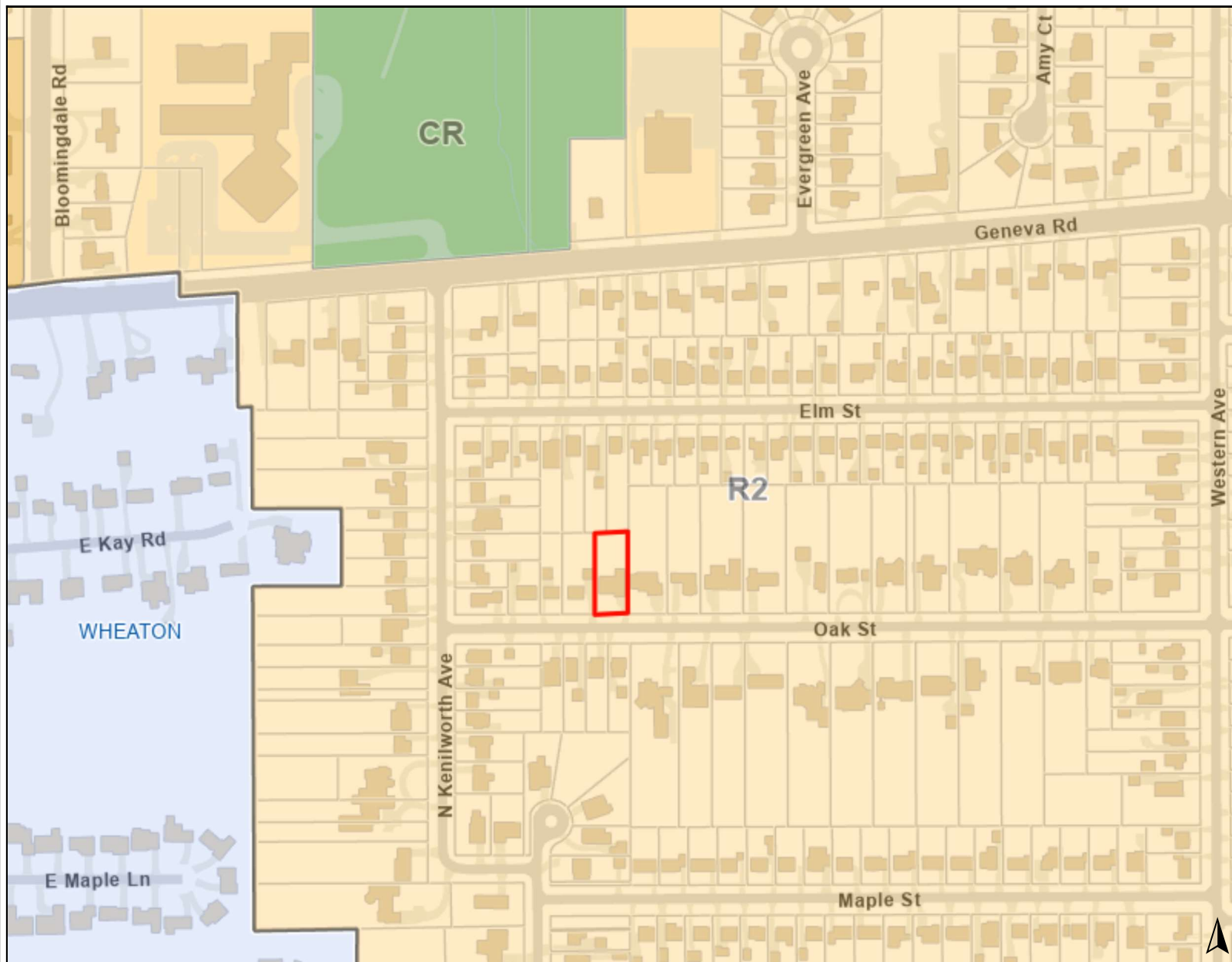
0 150 300
ft

Print Date: 1/19/2022

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 | 298 Oak Street Zoning Map



Legend

Zoning and Development

Zoning

- CR: Conservation/Recreation District
- R2: Single Family Residential District
- R3: Multi-Family Residential District

0 500 1000
ft

Print Date: 1/19/2022

Notes

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

APPLICATION FOR VARIATION

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

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

I. APPLICANT INFORMATION:

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

Name: MAUREEN WAJACE

Address: 298 OAK ST., GLEN ELLYN, IL 60137

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

Mobile Phone No.: 630-886-4106 Fax No.: _____

E-mail: MOFOLEY21@HOTMAIL.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):

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

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

YES

☒ NO

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

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

YES

☒ NO

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

III. **PROPERTY INFORMATION:**

Common address: 298 OAK ST., GLEN ELLYN, IL 60137

Permanent tax index number: 05-10-207-064

III. PROPERTY INFORMATION:

Common address: 298 Oak St., Glen Ellyn, IL 60137

Permanent tax index number: 05-10-207-064

Legal description:

Lot 14 (except the west 25 feet thereof) and Lot 15 in Block 2 in L.O. Farnsworth's resubdivision, being a resubdivision of Blocks 1, 2 and Lots 1 to 4, Block 5 of L.O. Farnsworth's Subdivison, of Lots 39 and 40, County Clerk's Seventh assessment division in Sections 3 and 10, Township 39 North, Range 10, East of the third Principal Meridian.

Zoning classification: R-2

Lot size: 75 ft. x 184.6 ft. Area: 13,832.11 sq. ft.

Present use:

Single Family Residential

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):

Village Code 10-4-8(E). Lot Covergae, 20% Maximum. Applicant is requesting a variation to allow for 21.2% Lot coverage.

Max Allowable = 13,832.11sf x .2 = 2,766.45sf

Existing House (per plat) = 2,685.85 sf coverage

Constructed Pavillion: 249sf

Current Lot Coverage: 2,934.85sf (equivalent to 21.2% Lot Coverage)

Estimated date to begin construction: Already Constructed

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

Anthony Montalto, Architect, 304 Oak St, Glen Ellyn, IL 60137

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 20% maximum lot coverage allows for an impervious patio with seating, chimney, and pergola, but does not allow for a covered structure to provide a more usable space in inclement weather. With the CoVid-19 pandemic, an uncovered outdoor space does not allow for e-learning and flexibility for outdoor group activities.

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 CoVid-19 pandemic has put additional stress on families with spaces for e-learning and ability to have fellow students and friends over to the house. Applicant is requesting for a slight overage (1.2%) on the 20% max lot coverage to allow for seasonal covered space to accommodate health issues within the family and safety for fellow students and friends to come over and collaborate on lessons.

OR

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

The 20% maximum lot coverage allows for an impervious patio with seating, chimney, and pergola, but does not allow for a covered structure to accommodate a more usable space in inclement weather. With the CoVid-19 pandemic, an uncovered outdoor space does not allow for e-learning and flexibility for outdoor group activities. These type of structures exist all along the street. It is only due to the shorter property depth versus the neighboring lots that the 20% requirement does not provide the ability to construct the covered pavillion.

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

As evidenced in the photographs, the pavillion is of the highest quality construction and complies with all structural requirements. The structure enhances the overall quality of the rear yard and is aesthetically aligned with the quality of the residence and surrounding neighborhood.

- 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:

There is plenty of yard area remaining and all setbacks maintained. No negative impact on surroundings or neighbors.

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:

Equally applicable, but no negative impact created to remaining yard or neighbors. Covers an already approved patio.

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:

Per applicant's letter, the covered area was constructed to accommodate CoVid related conditions, not for financial gain.

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.

Pavillion covers an existing patio; no other or outside hardship created.

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.

Pavillion is of high quality construction and aesthetically pleasing. Nothing detrimental created.

6. Provide evidence that the proposed variation will not:

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

Pavillion is on the North exposure and provides impact to light and air.

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

Pavillion is set back from property and house as required.

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

No negative impact or impariment to health and safety.

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

Property values only improve with these types of improvements.

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

No impact to public streets and/or vehicular circulation.

- f. Create a nuisance; or

No nuisance created; private use only.

- g. Results in an increase in public expenditures.

No impact to public in any way

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

Applicant only requests this variation to allow pavilion to remain.

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

This would create a financial hardship if forced to remove this structure. We have a child going to college in 7 months, with 3 more to follow in the coming years. It was already a stretch to have this installed, but with the CoVid pandemic it truly was a necessity for our family. Not only as an e-learning space, but as a space for our kids to socialize as they were struggling mentally having to be isolated in our homes with no other social interaction besides those that reside here. It truly made a difference not only in my own children, but several other kids in the neighborhood.

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.

<u>10/27/21</u>	<u>Maureen Wallace</u>	<u>Maureen Wallace</u>
Date	Print Name	Signature of Applicant
Date	Print Name	Signature of Applicant
Date	Print Name	Signature of Applicant

REIMBURSEMENT OF FEES AGREEMENT

Village of Glen Ellyn Acct: # _____

Initial Deposit Amount: _____

I. DESCRIPTION OF PROJECT: VARIATION REQUEST FOR CONSTRUCTED
PAVILION

II. OWNER:

- A. Owner of Property: MAURREEN WALLACE
- B. Owner's Address: 298 OAK ST, GLEN ELLYN, IL 60137
- C. Owner's Home Phone Number: 630.886.4106 Fax: _____
- D. Owner's Work Phone Number: _____
- E. Owner's E-mail: MDFOLEY21@HOTMAIL.COM
- F. If Owner is a Land Trust or Corporation, the attached disclosures of interest should be filled out.

III. PERSON MAKING REQUEST (Petitioner):

- A. Name of Petitioner: MAURREEN WALLACE
- B. Petitioner's Address: 298 OAK ST, GLEN ELLYN, IL 60137
- C. Petitioner's Home Phone Number: 630.886.4106
- D. Petitioner's Work Number: _____
- E. Petitioner's E-mail: MDFOLEY21@HOTMAIL.COM

IV. LOCATION OF PROPERTY:

- A. General Location of Property: 298 OAK ST, GLEN ELLYN, IL
- B. Acreage of Parcel: .32 ACRES.
- C. Permanent Index Number(s): 05-10-207-064
- D. Legal Description (Please attach)

V. REIMBURSEMENT OF FEES:

The Ordinances of the Village require the owners of property, or individuals seeking to utilize property, to receive approval by ordinance or the issuance of a permit to undertake various uses or improvements of property in the Village. These uses can include requests for textual or map changes in the Zoning Ordinance, applications for building permits, requests for zoning relief and other similar requests. The Village has established a fee schedule for the anticipated use of staff time in processing such petitions or applications. In many cases, however the Village cannot reasonably evaluate the validity or compliance of the petition or application with the Ordinances of the Village without the use of reports from various consultants. In some cases, the application or petition requires among other things, public hearings and associated public notice costs, preparation of minutes or transcripts from the public hearing or meeting, recording costs of Ordinances and the preparation of reports by consultants whose services require the payment of out-of-pocket expenses by the Village. These expenses would not have been incurred but for the petition or application. The Village does not intend to seek to make a profit on its utilization of such consultants, but requires that the applicant, or the person receiving benefit, shall be obligated to reimburse the out-

of-pocket expenses incurred by the Village. The Village shall seek to employ consultants who shall charge rates consistent with those paid by private parties who seek similar consulting services. The Village intends, through this Agreement, to cause the payment of out-of-pocket expenses and to require the creation of an escrow fund to guarantee that the petition or application will not result in the citizens of the Village being required to pay for costs incurred at the request of the owner or applicant.

This document shall constitute a contract when an application is made for a license, permit, request for zoning relief or other approval involving the use of real property. Should the Village, in its sole and exclusive discretion, determine that it is necessary or desirable for the Village to obtain professional services, including, but not limited to, attorneys, engineers, planners, architects, surveyors, court reporters, traffic, drainage or other consultants, including full and/or part time site inspection services during the actual construction of any required improvements, and/or to incur costs related to any required notices or recordations, in connection with any application or petition filed by the petitioner then the petitioner and owner shall be jointly and severally liable for the payment of such professional fees and costs, as shall actually be incurred by the Village. The Planning and Development Director is hereby authorized to assign the above described services to the Village staff or to consultants, as the Director deems appropriate and without prior notification to the petitioner.

Any application or petition to be reviewed by the Planning and Development Department or by the Plan Commission shall require the petitioner to establish an escrow account with the Village in an amount determined by the Planning and Development Director to reimburse the Village for all out of pocket costs associated with the request. These out of pocket costs will cover such things as services provided by the Village's consulting engineer, consulting attorney, consulting planner, traffic consultant, wetland consultant, landscape consultant, architectural consultant, appraiser and transcriber, among others, as well as reproduction costs, public hearing notice costs, recording costs, etc. Along with the application the petitioner shall also submit a signed copy of this agreement thereby acknowledging and agreeing to reimburse the Village for all out of pocket costs associated with the application or petition.

This agreement shall be accompanied by an initial deposit in an amount to be determined by the Director of Planning and Development but shall be no less than \$500. The Village will provide an itemized list of Village expenses incurred related to any charge to the escrow account, and the petitioner shall deposit funds to reimburse the Village for those expenses upon notice from the Village that the deposit has dropped below \$300. If the expenses are not reimbursed, then reviews meetings and permits associated with out of pocket costs will cease, and the request will not be moved forward through the review process. At the completion of the review process, and development of the project, if appropriate, any remaining balance from the deposit will be returned to the petitioner, without interest, after all expenses have been paid.

The Village shall deduct the incurred expenditures and costs from the funds deposited. If the remaining deposit balance falls below \$300.00, the petitioner, upon notice by the Village, shall be required to replenish the deposit to its initial amount. The Village shall mail the petitioner regular invoices for the fees and costs incurred. The petitioner shall replenish the deposit amount within thirty (30) days of issuance of each such invoice directing replenishment of the deposit.

A petitioner who withdraws his or her petition may apply in writing to the Planning and Development Director for a refund of his or her remaining escrow balance. The Planning and Development Director may, at his or her discretion, approve such refund less any actual fees and costs, which the Village has already paid or incurred relative to the application.

Upon the failure of the petitioner or owner to reimburse the Village in accordance with this Agreement, no further action shall be undertaken on the application by the Village President and Board of Trustees, or by any other official or quasi-official individual or body thereunder, including the conduct of any hearings or deliberations, reviews of any plans or applications, the granting of any relief or approvals, issuance of any permits or occupancies, performance of inspections and the execution or recording of any documents, until all such outstanding fees are paid in full and/or the initial deposit is restored to its full amount. Upon any failure to reimburse the Village in accordance with this Section, the Village may in its discretion, apply any or all of the initial deposit to the outstanding balance due.

The remedies available to the Village as set forth hereinabove are non-exclusive and nothing herein shall be deemed to limit or waive the Village's right to seek relief of such fees against any or all responsible parties in a court of competent jurisdiction.

Any remaining balance of any funds deposited pursuant to this Agreement shall be refunded at such time as the completion of Village deliberation on the petition or application, recordation of all necessary documents associated with the petition or application, issuance of a building permit, approval of a final inspection, or issuance of a final certificate of occupancy upon the real property in question whichever occurs later.

BY SIGNING BELOW, THE PETITIONER AND OWNER ACKNOWLEDGE THAT EACH OF THEM HAS READ THE FOREGOING PARAGRAPHS AND EACH OF THEM FULLY UNDERSTANDS AND AGREES TO COMPLY WITH THE TERMS SET FORTH HEREIN. FURTHER, BY SIGNING BELOW, EACH SIGNATORY WARRANTS THAT HE/SHE/IT POSSESSES FULL AUTHORITY TO SO SIGN.

THE PETITIONER AND OWNER AGREE THAT PETITIONER AND OWNER SHALL BE JOINTLY AND SEVERALLY LIABLE FOR PAYMENT OF FEES REFERRED TO IN APPLICABLE SECTIONS OF THE ORDINANCES OF THE VILLAGE OF GLEN ELLYN, AND THE OBLIGATIONS FOR PAYMENT RELATING TO THE FILING OF PETITION OR APPLICATION, AS SET FORTH HEREIN.

Maureen Wallace
Petitioner

Village of Glen Ellyn

Maureen Wallace
Owner

By: _____
Planning and Development Director

Date: 10/27/21

Date: _____

Affidavit Affirming No Conflict of Interest

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

1. My name is Maureen Wallace and I hold the position of owner for 298 Oak / Maureen Wallace (Applicant).
2. I have personal knowledge of all facts stated in this Affidavit, and if called to testify, I could and would testify competently thereto.
3. I am authorized by the Applicant to make the representations and statements in this Affidavit on the Applicant's behalf in support of the application for development approval ("Application") the Applicant filed with the Village of Glen Ellyn ("Village").
4. To the best of my knowledge, and as of the Application's date, no individual that is employed by the Village or sits on an elected or appointed Village board or commission has a financial interest in the Applicant, the Application, or the project proposed by the Applicant.
5. To the best of my knowledge, and as of the Application's date, no individual that is related to any person that is employed by the Village or sits on an elected or appointed Village board or commission has a financial interest in the Applicant, the Application, or the project proposed by the Applicant.
6. I will immediately notify the Village if the Applicant learns of the material inaccuracy of any statement within this Affidavit.

Further affiant sayeth naught.

Name: Maureen Wallace

Title: _____

Applicant's Name: Maureen Wallace

Subscribed and sworn to me this

27th day of October, 2021.

Christina M Cassidy
Notary Public





FRED BUCHOLZ

DUPAGE COUNTY RECORDER

AUG. 17, 2017 RHSP 2:04 PM
DEED \$40.00 05-10-207-037

003 PAGES R2017-084757

Exempt under provisions of Paragraph E
Section 31 - 45, Property Tax Code.
8-17-17 Maureen Elwyn
Date Buyer, Seller, or Representative

WARRANTY DEED INTO TRUST

The Grantors, **KEVIN WALLACE** and **MAUREEN JO WALLACE**, his Wife, of 298 Oak Street, Glenn Ellyn, Illinois 60137, convey and warrant to the Grantee, **THE DECLARATION OF LIVING TRUST OF MAUREEN JO WALLACE, DATED OCTOBER 6, 2012**, the following described premises situated in the County of Du Page, in the State of Illinois, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration.

SEE LEGAL DESCRIPTION ATTACHED

Subject to easements and building and use restrictions of record and further subject to taxes, if any, now or hereafter due.

Permanent Tax No: 05-10-207-038 & 05-10-207-037

Known As: 298 Oak Street, Glen Ellyn, Illinois 60137

Dated: July 31, 2017.

	
Village of Glen Ellyn Real Estate Transfer Tax	
020238	
Sale \$	<u>0 -</u>
Tax \$	<u>0 -</u>
Date	<u>8-16-17</u> Initials <u>CB</u>

LEGAL DESCRIPTION

LOT 14 (EXCEPT THE WEST 25 FEET THEREOF) AND LOT 15 IN BLOCK 2 IN L. O. FARNSWORTH'S RESUBDIVISION, BEING A RESUBDIVISION OF BLOCKS 1,2 AND LOTS 1 TO 4, BLOCK 5 OF L. O. FARNSWORTH'S SUBDIVISION, A SUBDIVISION OF LOTS 39 AND 40, COUNTY CLERKS'S SEVENTH ASSESSMENT DIVISION IN SECTIONS 3 AND 10, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID L. O. FARNSWORTH'S RESUBDIVISION RECORDED APRIL 17, 1924 AS DOCUMENT 176475, IN DUPAGE COUNTY, ILLINOIS.

Permanent Index Number - 05-10-207-038 and 05-10-207-037

Common Address: 298 Oak Street, Glen Ellyn, Illinois 60137

To the Village of Glen Ellyn Zoning Appeals Board:

I currently reside at 298 Oak Street with my husband Kevin and 4 children: Joey 17, Ryan 15, Molly 12 and Julia 10. We did an extensive renovation of our back yard beginning in late June of 2020. We began planning this in Mid 2019. When we first submitted our paperwork for permit we were denied the covered area. We were told we could do a pergola though and we were fine with that decision. If we wanted the covered area we would need to request a variance. We proceeded with the pergola and decided if we did that and decided later we wanted a covered space we would then apply for the variance. Covid hit and the world shut down in March of 2020. Schools were closed and all activities were cancelled for what we thought was for a few weeks. A few weeks turned into a few months and we all thought that by fall this will have passed and life would return to normal. We went about our construction per the permit.

During the Spring and Summer of 2020, with so much uncertainty, most families kept their kids at home. Most families that I know didn't allow their kids to go anywhere. Some only allowed kids to have friends over if they stayed outside and stayed 6 feet apart. All we heard from the news, radio and social media was to socialize outside, gather in small groups and keep your distance from others. My kids all missed their friends, but were excited for return to school to see everyone. In mid-August of 2020 as our kids should've been returning to school, they abruptly made the decision to go remote for a few weeks. Again, we thought this was temporary but the return to school date kept getting pushed back. I now had 4 children at home e-learning and an adult working from home. The kid's attitudes and outlook on the future was definitely changing for the worse. It was great to have all the family time, but after 6 months of all the togetherness the kids patience with each other was wearing thin. I was certain this was all temporary and they would see their friends at school soon and life would go back to normal. In late Sept of 2020 construction was complete on the patio. We did put up the pergola, however I did it in an economical way thinking that maybe we should just apply for the variance in case COVID drags on for much longer and keeps the world on lockdown. The kids did return to school in October, however it was only for 2 half days a week, and it only lasted for 3 weeks. By early November it was back to full remote learning. The schools were now closed again, along with almost every other place in the area except for the places that were deemed necessary. There was not one place open for kids/teenagers to socialize with one another.

It's now November the holidays were around the corner and the outlook was looking pretty bleak as far kids being able to see friends and socialize. My son Ryan is a type 1 diabetic so we were super cautious with Ryan and with him being out with friends. A well-balanced child has always been an area of priority to me and my husband especially after my older son lost a classmate his freshman year of high school due to suicide. Ryan was really struggling at home with it being his first year of high school, e-learning was extremely difficult for him, he was struggling with social isolation, and spent way too much time on electronics. As he said – that was his “only glimpse into the outside world”. We definitely noticed a change in him and needed to do something quick before we lost him further. I pushed for the covered space with

my husband. I thought it would help solve so many of the problems that we had with the kids and being socially isolated, as well as help with the problems that so many families I knew had. It was sort of like a Field of Dreams moment, "If we build it they will come". My husband was dead set against it. He said we had to request a variance first, and can only construct if it was approved, which I totally understood but we didn't have the time to wait for that. The village offices were closed to the public and we had heard it was taking months to get approvals. So, against my husband's wishes, I contacted a company to cover that space and hired them to do so. My husband was very upset, not only because of the huge cost, but because I didn't follow the proper procedures. It definitely caused a strain on our marriage, but I did what I had to do to improve the mental health of my kids. All they wanted to do was be normal kids and hang out with their friends. My kids' health and safety is top priority as I think it would be yours as well. I was the one that was home with them 24/7 and saw the mental toll it was taking on them. My husband didn't see it as he was working a lot. They were sad, lonely, frustrated and angry at the world.

After it was finished the kids would take turns using it as a space for e-learning. They didn't care if it was cold and snowy or raining. They would bundle up, use a blanket turn the fireplace and heaters on and focus on school. The only thing that would keep them out of there was if it was blowing rain or snow. The kids were super excited to have an outdoor area to have friends over. They didn't care if it was freezing outside. It was the one and ONLY spot my 2 older boys had where they could all hang out. They watched the Superbowl out there in Feb together, NBA playoffs, and numerous other things. With all movie theaters, gyms, bowling alleys, most inside of fast food restaurants closed there was not ONE place these teenagers could go to be together. Their only option was to gather in various parks or parking lots to see each other. This space has truly been a life changer for several teenagers in our community. The kids are so grateful to us for allowing them to be back there almost every Fri and Sat evening. Honestly, I love it that they are back there. I know where my kids are and I know what they are doing. It keeps them out of trouble. I truly believe this covered area saved my boys from so many things. We are very conscience and considerate of our neighbors as well. Not one neighbor has ever complained about people or noise coming from our yard. In fact, I think some neighbors enjoy the sounds of happiness that comes from that space.

I have also used this as a space to allow friends of mine who struggled during this period of isolation. In January of 2020 a friend watched her father starve to death for over a month. She didn't see anyone outside of her family for months as her father was a cancer patient with esophageal cancer. She was sad and depressed so I gathered her and some of our closest friends on a snowy January evening and we all sat socially distant under the covered area with the fireplace and heaters turned on. It really was a bright spot in her extremely troubled fall/winter.

I have a friend who lost her husband to cancer. Her and her 2 young children relied heavily on The Wellness House for support and guidance upon his diagnosis and after his death. The Wellness House is a non-profit organization that relies 100% on donations. Their annual fundraiser was cancelled in 2020 and was done via livestream. I offered our covered space to

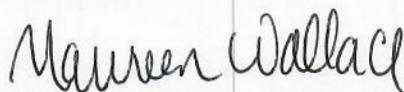
hold the fundraiser for Denise and her friends. We sat outside, under the warmth of the heaters and fireplace and raised some funds for this wonderful organization. Denise was very grateful for this. Without this space she never would've been able to participate in the event that year and help raise much needed funds.

I take full responsibility and do apologize for not following the proper protocols concerning this covered space, but I truly do not understand the reason for the 20% lot to roof ratio on a 2-story home. All the surrounding towns regulations are 30% or more. I am 1.3% over the lot to roof ratio. We as an entire community live differently now. I think that the village is aware of this as they put up the tent on Main Street to accommodate and allow family and friends to eat and socialize outside all while helping out our local restaurants.

I didn't break this rule to redo something I already had. (A remodel of a kitchen or bath), I did this to fill a void for something that we didn't have and so desperately needed for the health and well-being of our family. As a bonus it has helped several other families with kids. I essentially had no other options for an outdoor covered area. Could have I put up a tent? Probably, but I don't think my neighbors would've appreciated looking at that all day long. That also would've created a safety hazard had a storm come through when we weren't home and that tent hit something or someone, or if it collapsed in the rain on these kids.

The Village of Glen Ellyn should consider revising this regulation to accommodate the change in how we live. No one would have ever predicted that the world would shut down and life as we know it will be forever changed. Will life ever return to normal? Or is socializing outdoors our new normal? We are now, and probably for a while, going to be a socialize outdoors society. I do hope you will allow us to keep our backyard as it currently is. The younger neighborhood kids love it, my kids love it as do their friends. This space wasn't built for me and my husband. It truly is about the kids and giving them a safe place to hang out with their friends. We've never had an issue with any of the neighbors regarding this space. The person we believe that called the village about this incessantly isn't even a Glen Ellyn resident. It was an ex-employee of my husbands. It would not only be a financial hardship to have to remove it, it would also be a detriment not only to us as a family, but to several families that use that space in the Elm and Oak Street neighborhood. I do hope that you will approve the variance for us. I'm not a rule breaker, but in this instance, I made a choice to take a chance to make a change in the lives of so many kids who struggled with Covid and social isolation.

Respectfully Submitted

A handwritten signature in cursive script that reads "Maureen Wallace".

Maureen Wallace

Approximate Timeline that led to the backyard roofed structure at 298 Oak St

Fall 2019 – Sept/Oct – planning for backyard began

Winter 2019/2020 – Dec/Jan – went in for permit

At some point we were denied the roofed structure so we decided a pergola would be fine

March 2020 – the world shut down due to Covid Pandemic for what we all thought would only be for a few weeks

June 2020 Permit was issued/picked up for patio and pergola

July 2020 Construction on backyard began

Aug 2020 – Schools decided to be fully remote for what was supposed to be a few weeks

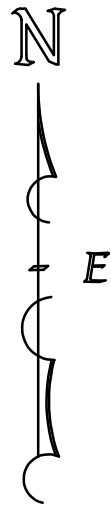
Sept 2020 - Construction was complete

Oct 2020 – schools were open for 2 weeks for 4 hrs a day for 2 days week. Schools then shut down again

Nov 2020 - pergola was removed and a roof was put on to allow for e-learning as well as a place for my kids and their friends to safely socialize with one another after being essentially isolated for 8 months.

Winter of 2020 and all of 2021 – schools were still closed most of this time for the 2020-2021 school year. They did reopen in late Jan for 2 days a week for 4 hrs per day for a total of 8 hrs per week. Kids used this as a space to gather safely outside with friends as well as used it as a space for e-learning. Neighborhood kids would use it as well to safely socialize and play outside in all types of weather.

SCALE: 1" = 20 FEET

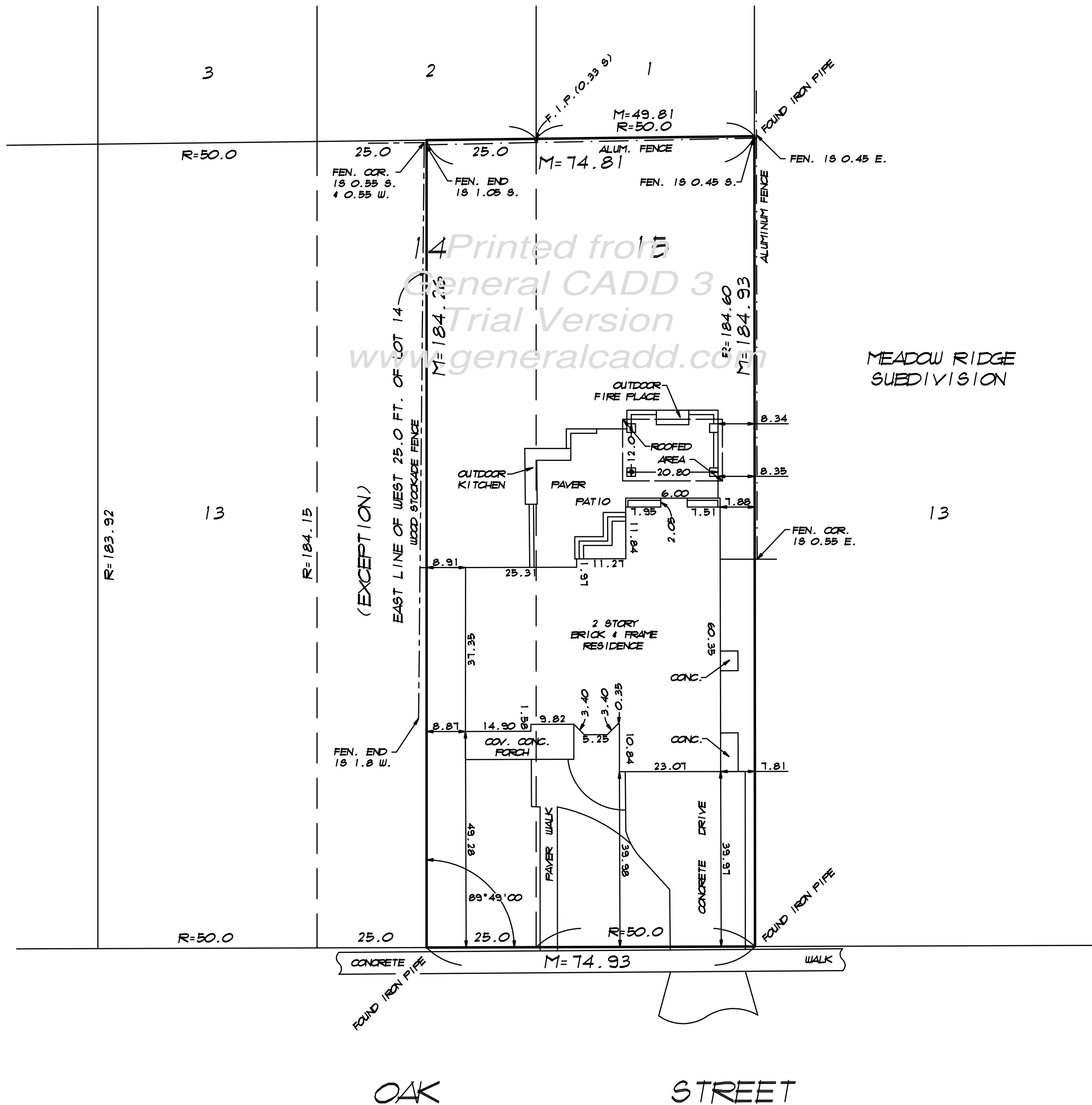


PLAT OF SURVEY

OF LOT 14 (EXCEPT THE WEST 25 FEET THEREOF) AND LOT 15 IN BLOCK 2 IN L.O. FARNSWORTH'S RESUBDIVISION, BEING A RESUBDIVISION OF BLOCKS 1, 2, AND LOTS 1 TO 4, BLOCK 5 OF L.O. FARNSWORTH'S SUBDIVISION, A SUBDIVISION OF LOTS 39 AND 40, COUNTY CLERK'S SEVENTH ASSESSMENT OF DIVISION IN SECTIONS 3 AND 10, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID L.O. FARNSWORTH'S RESUBDIVISION RECORDED APRIL 17, 1924 AS DOCUMENT 176415, IN DU PAGE COUNTY, ILLINOIS.

This property is known as 298 Oak Street, Glen Ellyn, IL.

Prepared for Maureen Wallace



LEGEND

F.I.P. = FOUND IRON PIPE
F.I.R. = FOUND IRON ROD
R = RECORDED DISTANCE
M = MEASURED DISTANCE
D = DEED
R.O.V. = RIGHT OF WAY
RAD. = RADIUS
CONC. = CONCRETE
M.H. = MANHOLE
V.V.V. = WATER VALVE VAULT
INV. = INVERT
PVC = POLYVINYL CHLORIDE PIPE
RCP = REINFORCED CONCRETE PIPE
TC = TOP OF CURB
EP = EDGE OF PAVEMENT

STATE OF ILLINOIS)
COUNTY OF DUPAGE) S.S.

This is to certify that Steinbrecher Land Surveyors, Inc., Registered Professional Land Surveying Design Firm Corporation No. 184-003126, has surveyed the property shown and described hereon, which is to the best of our knowledge and belief, a correct representation thereof. This professional service conforms to the current Illinois minimum standards for a boundary survey.

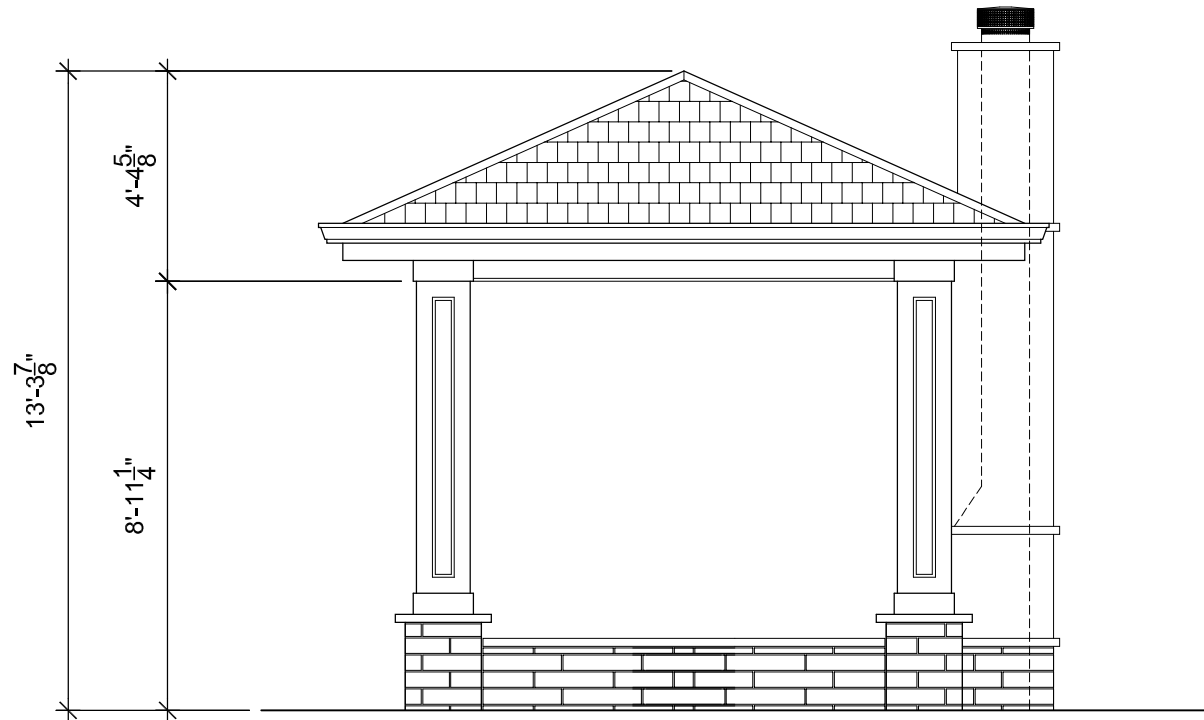
West Chicago, Illinois, October 27, 2021

Rich Steinbrecher
Richard J. Steinbrecher
Professional Land Surveyor 3583
License expires Nov. 30, 2021

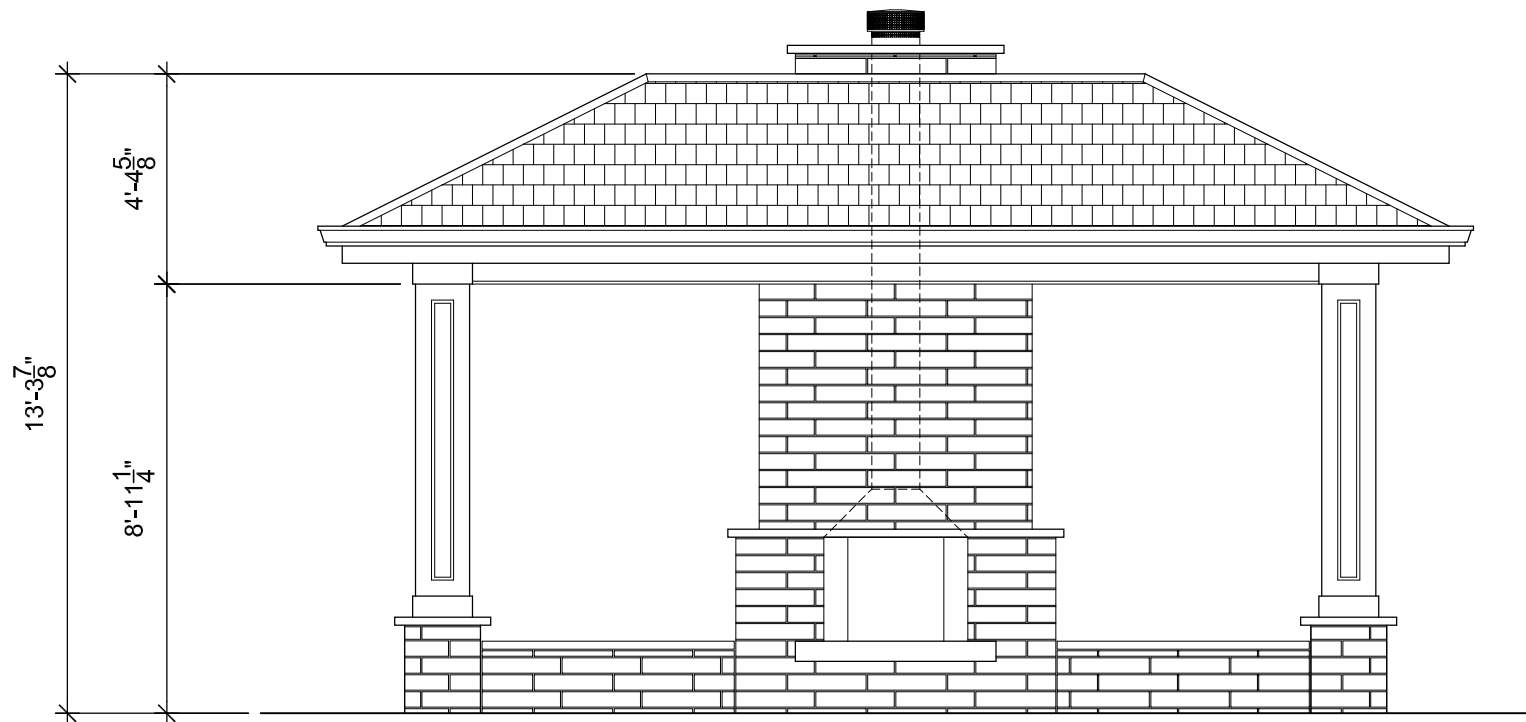
Steinbrecher Land Surveyors, Inc.

Professional Land Surveying
Design Firm Corporation No. 184-003126
141 S. Neltner Blvd., West Chicago, IL 60185-2844
(630) 293-8900 Fax 293-8902

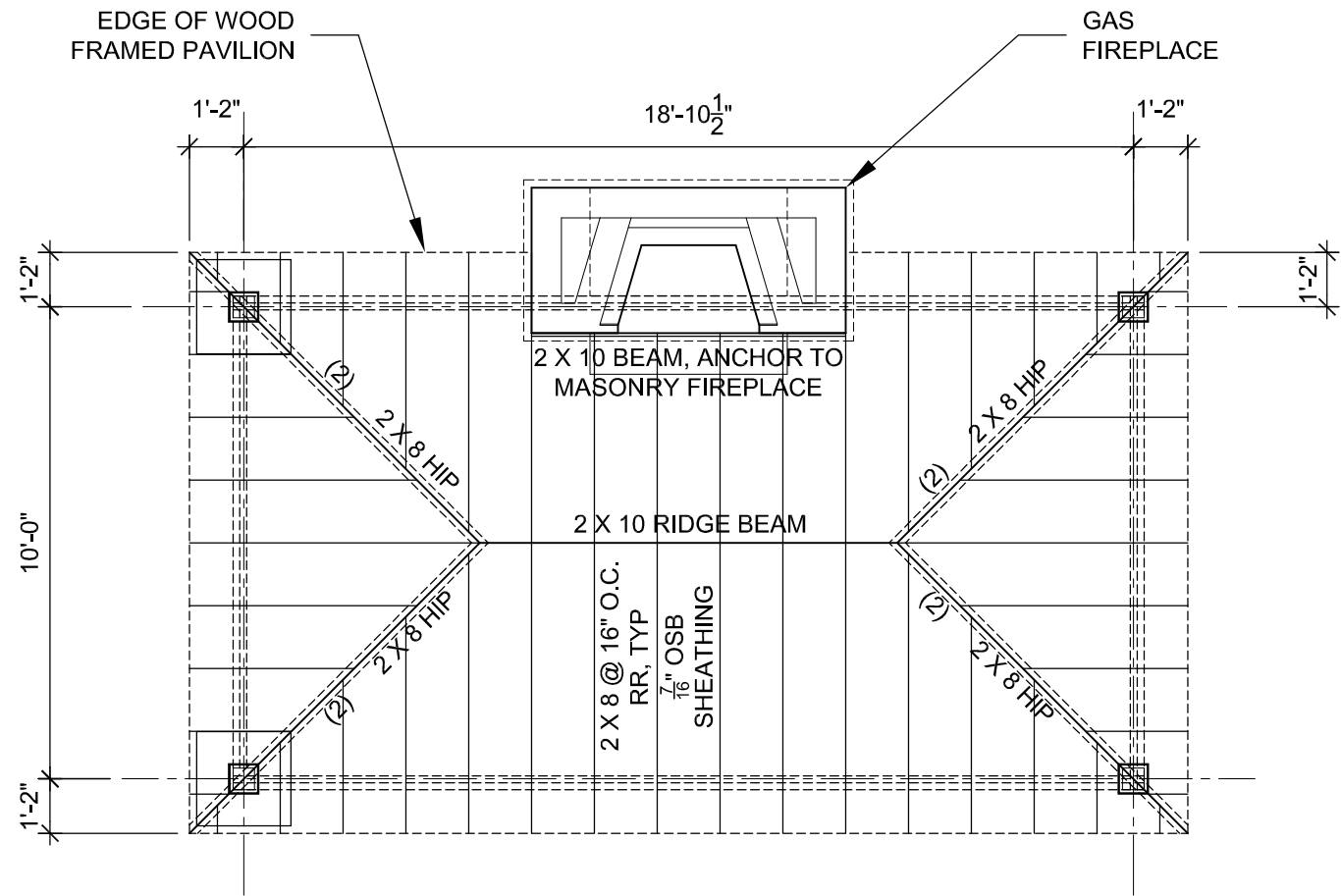
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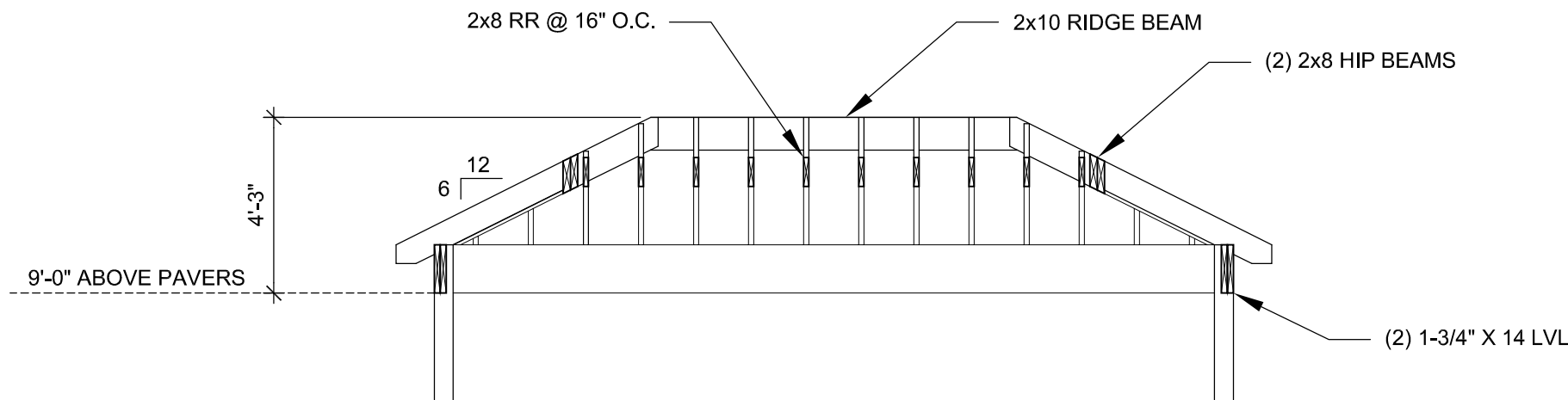
5 ELEVATION PAVILLION
SCALE: 1/4"=1'-0" EAS (WEST SIM)



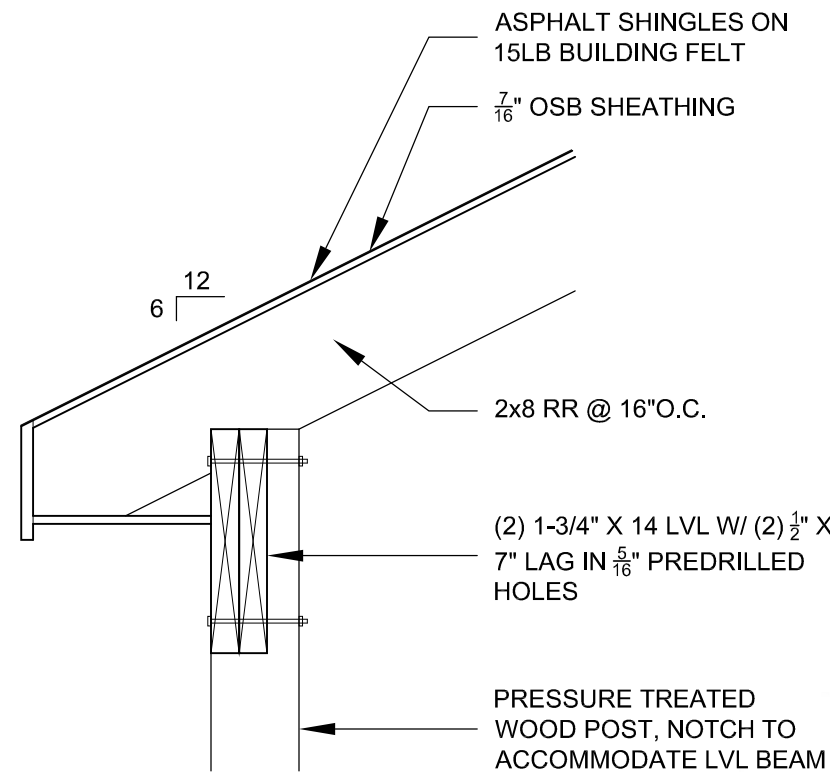
4 ELEVATION PAVILLION
SCALE: 1/4"=1'-0" SOUTH (NORTH SIM)



1 PLAN FRAMING
SCALE: 1/4"=1'-0" PAVILION



2 SECTION FRAMING
SCALE: 1/4"=1'-0" PAVILION



3 DETAIL FRAMING
SCALE: 1"=1'-0" PAVILION CORNER POST



DRAWING No.: A - 2.1a	PROJECT: WALLACE RESIDENCE 298 OAK ST GLEN ELLYN, IL 60137	
	REFERENCE: NA	
TITLE: PAVILION DETAILS AS-BUILT		SCALE: 1/4"=1'-0"
		DATE: 11.13.2021
ARCHITECT	Anthony Montalto 304 Oak St Glen Ellyn, IL 60137 Telephone 312.882.5990 Fax 773.687.9185 IL LIC #: 001-017248	
	ADDLAWN LANDSCAPING, INC 607 W Winthrop Ave Addison, IL 60101 Telephone 630.543.9130	

WALLACE RESIDENCE

298 OAK ST

GLEN ELLYN, IL 60137
NEW PATIO CONSTRUCTION

OWNER

KEVIN AND MAUREEN WALLACE
298 OAK ST
GLEN ELLYN, IL 60137

ARCHITECT

ANTHONY MONTALTO, ARCHITECT
304 OAK ST
GLEN ELLYN, IL 60137

LANDSCAPE DESIGN & CONSULTATION

ADDLAWN LANDSCAPING
607 W WINTHROP AVE
ADDISON, IL 60101

PROJECT DESCRIPTION

GRADING AND PREPARATION OF EXISTING REAR YARD FOR A NEW PAVER PATIO, NEW PAVER AND MODULAR STONE STOOP AND STEPS, NEW STONE EDGE SEATING LEDGE, STACKED STONE WALL, BUILT IN FIREPLACE, OPEN PERGOLA, AND STACKED STONE OUTDOOR KITCHEN.

ZONING INFORMATION AND REGULATIONS

	DISTRICT: R-2		LOT AREA: 13,832.25 SF	
10-4-8	MINIMUM LOT FRONTAGE	REQ'D	50'	PROP. NO CHANGE
10-4-8	MIN LOT SIZE	REQ'D	8,712 SF	EXIST. 13,832.325
10-4-8	MAX LOT COVERAGE	20%	2,766.45 SF	EXIST. 2,685.85 SF **
10-4-8	MIN LOT WIDTH	REQ'D	66'	PROP. NO CHANGE *
10-4-8	MIN LOT DEPTH	REQ'D	110'	PROP. NO CHANGE *
10-4-8	MIN FRONT YARD STBK	REQ'D	30'	PROP. NO CHANGE *
10-4-8	MIN INT SIDE YD STBK	REQ'D **	7.5'	PROP. NO CHANGE *
10-4-8	MIN REAR YARD STBK	REQ'D	40'	PROP. NO CHANGE *
10-4-8	IMPERVIOUS AREA - REAR	50% OR LESS OF REQ'D	2,990.58 SF	PROP. 911.11 SF *

* See site plan
** Covered areas only.

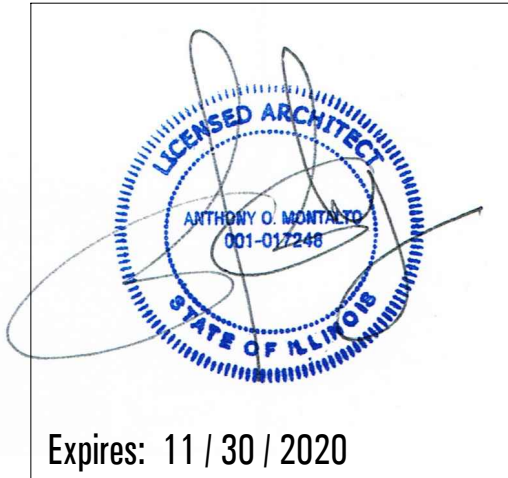
I hereby certify that these plans were prepared by or under my direct supervision and to the best of my professional knowledge and belief conform to the applicable building codes and ordinances, including the applicable Village of Elmhurst Building and Zoning Codes.

Architect: Anthony Montalto, Architect

By:

Name: Anthony Montalto #001-017248

Its: Principal



Affix Original Professional Wet-Ink Seal Here

PROJECT: WALLACE RESIDENCE

ARCHITECT

ADDLAWN LANDSCAPING, INC

Anthony Montalto
304 Oak St
Glen Ellyn, IL 60137
Telephone 312.882.5990
Fax 773.687.9185
IL LIC #: 001-017248

607 W Winthrop Ave
Addison, IL 60101
Telephone 630.543.9130

DRAWING No.:

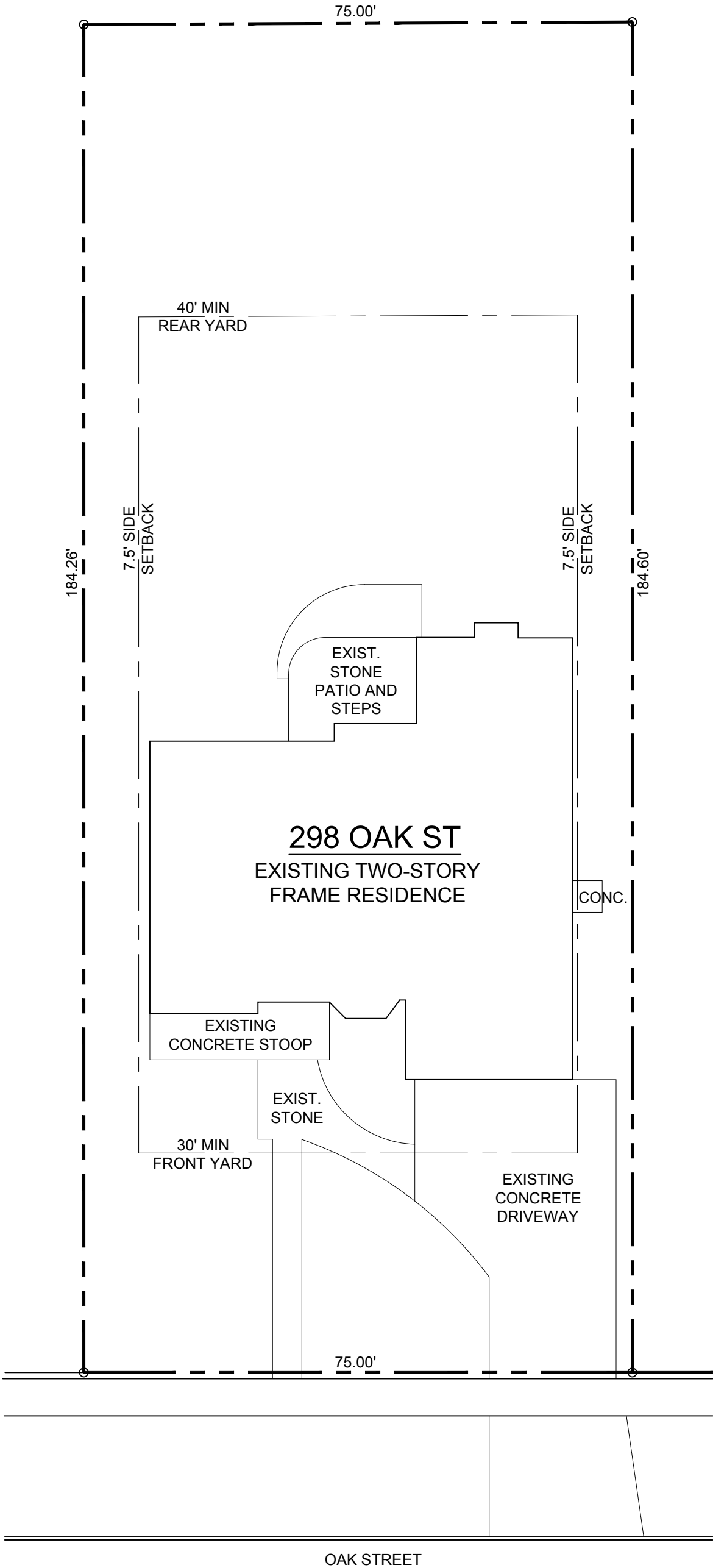
G - 0.1

REFERENCE: NA

SCALE: 1/16"=1'-0"

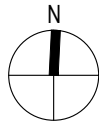
DATE: 10.08.2019

TITLE: TITLE SHEET



1 SITE PLAN
SCALE: 1/16"=1'-0"

EXISTING



DRAWING INDEX

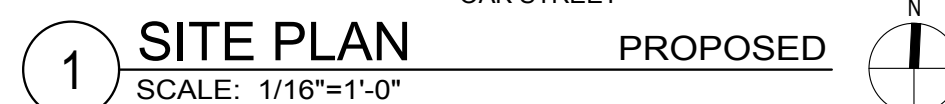
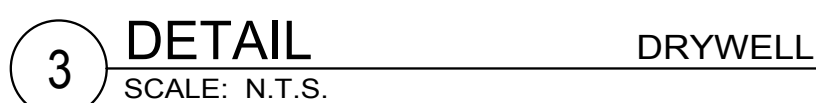
- G-0.1 TITLE SHEET
- G-0.2 PROPOSED SITE PLAN
- A-0.1 PROPOSED FOUNDATION PLAN
- A-1.0 PROPOSED PLAN: PATIO
- A-1.1 PROPOSED DRAINAGE PLAN
- A-2.0 TYPICAL DETAILS
- A-2.1 PERGOLA DETAILS
- A-2.2 FIREPLACE DETAILS
- A-2.3 PERGOLA FRAMING

IMPERVIOUS AREA NOTE:

EXISTING PATIO: 340SF
PROPOSED PATIO: 900SF
*560SF OF ADD'L IMPERVIOUS AREA.
**DRYWELL WILL BE PROVIDED.

$$560SF \times 1.25 = 700SF / 12 = 58.3 \text{ FT}^3$$

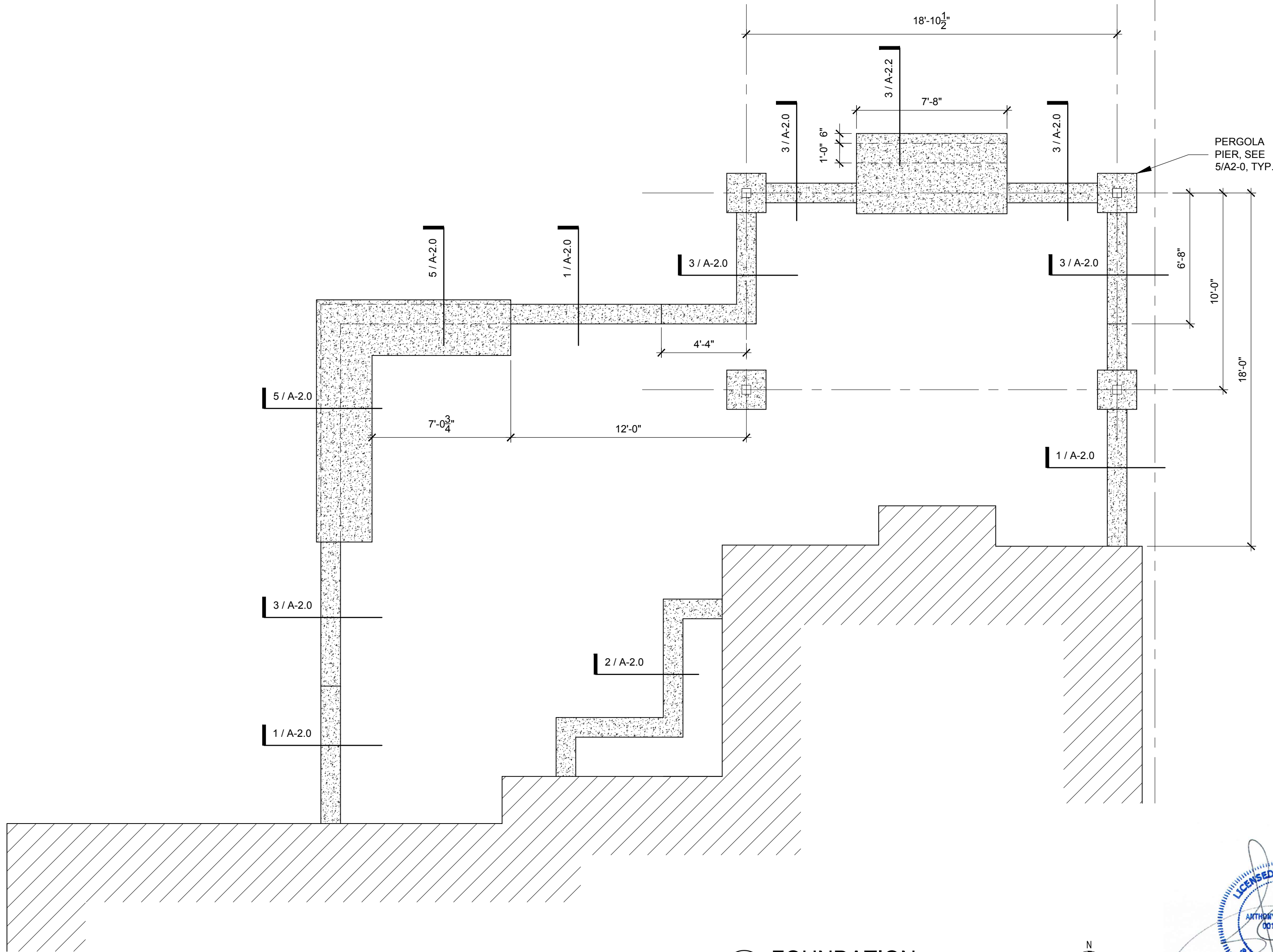
DRYWELL TO BE 3' X 5' X 4' DEEP, SEE
DETAIL SHEET G-0.2.



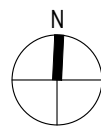
1. VERIFY ALL LOT LINES PRIOR TO LAYOUT.
2. ALL EXISTING PLANT MATERIAL ON THE SITE SHALL BE REMOVED PRIOR TO SITE DEVELOPMENT, UNLESS OTHERWISE NOTED. "E" INDICATES EXISTING.
3. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR BEING FAMILIAR WITH ALL UNDERGROUND UTILITIES AND STRUCTURES. CALL JULIE PRIOR TO DIGGING.
4. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY COORDINATION WITH SUBCONTRACTORS AND / OR SUPPLIERS AS REQUIRED TO ACCOMPLISH PLANTING AND HARDSCAPE OPERATIONS.
5. IT IS THE CONTRACTORS RESPONSIBILITY TO FURNISH PLANTS FREE OF PESTS AND/OR DISEASE.
6. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR ALL CARE ASSOCIATED WITH PLANT MATERIAL INCLUDING WATERING WHILE ON SITE.
7. ALL PLANT MATERIAL WITHIN A SPECIES SHALL HAVE MATCHING FORM, UNLESS OTHERWISE NOTED.
8. ALL NEW PLANTING BEDS AND PLANT MATERIAL SHALL BE COVERED WITH SHREDDED HARDWOOD MULCH.
9. ALL PLANTING BE3DS SHALL RECEIVE A SPADE CUT EDGE, UNLESS OTHERWISE NOTED.
10. ALL EXISTING DRAINAGE PATTERNS SHALL BE MAINTAINED AS TO NOT CAUSE STORMWATER RUNOFF TO NEIGHBORING PROPERTIES.



ADDLAWN LANDSCAPING, INC	ARCHITECT	PROJECT: WALLACE RESIDENCE 298 OAK STREET GLEN ELLYN, IL 60137	DRAWING No.:	G - 0.2
			REFERENCE:	NA
			SCALE:	1/16"=1'-0"
			DATE:	10.08.2019



1 FOUNDATION PROPOSED
SCALE: 1/4"=1'-0"

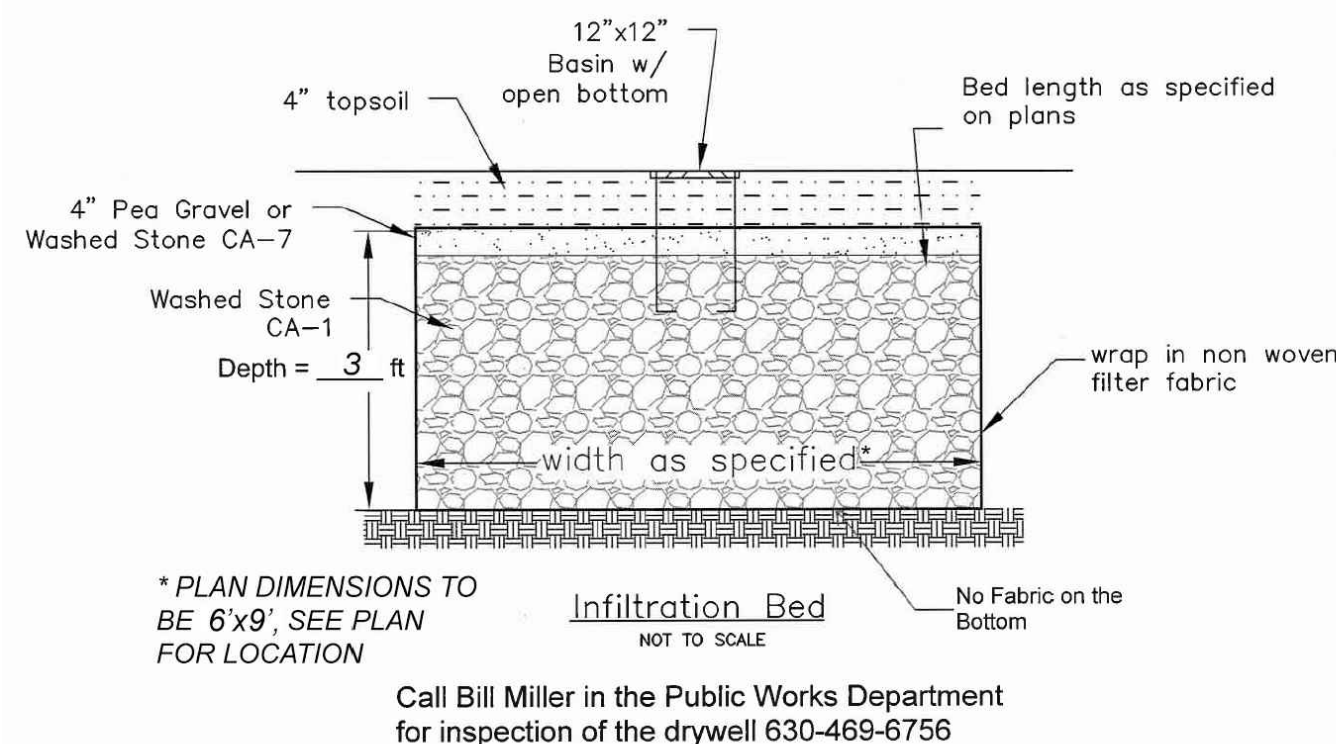


DRAWING No.:	A - 0.1	
	REFERENCE:	NA
	SCALE:	1/4"=1'-0"
	DATE:	12.21.2019
PROJECT:	WALLACE RESIDENCE	
	298 OAK STREET GLEN ELLYN, IL 60137	
TITLE:	PROPOSED FOUNDATION	
	PLAN	
ARCHITECT	Anthony Montalto 304 Oak St Glen Ellyn, IL 60137 Telephone 312.882.5990 Fax 773.687.9185 IL LIC #: 001-017248	
	ADDLAWN LANDSCAPING, INC 607 W Winthrop Ave Addison, IL 60101 Telephone 630.543.9130	

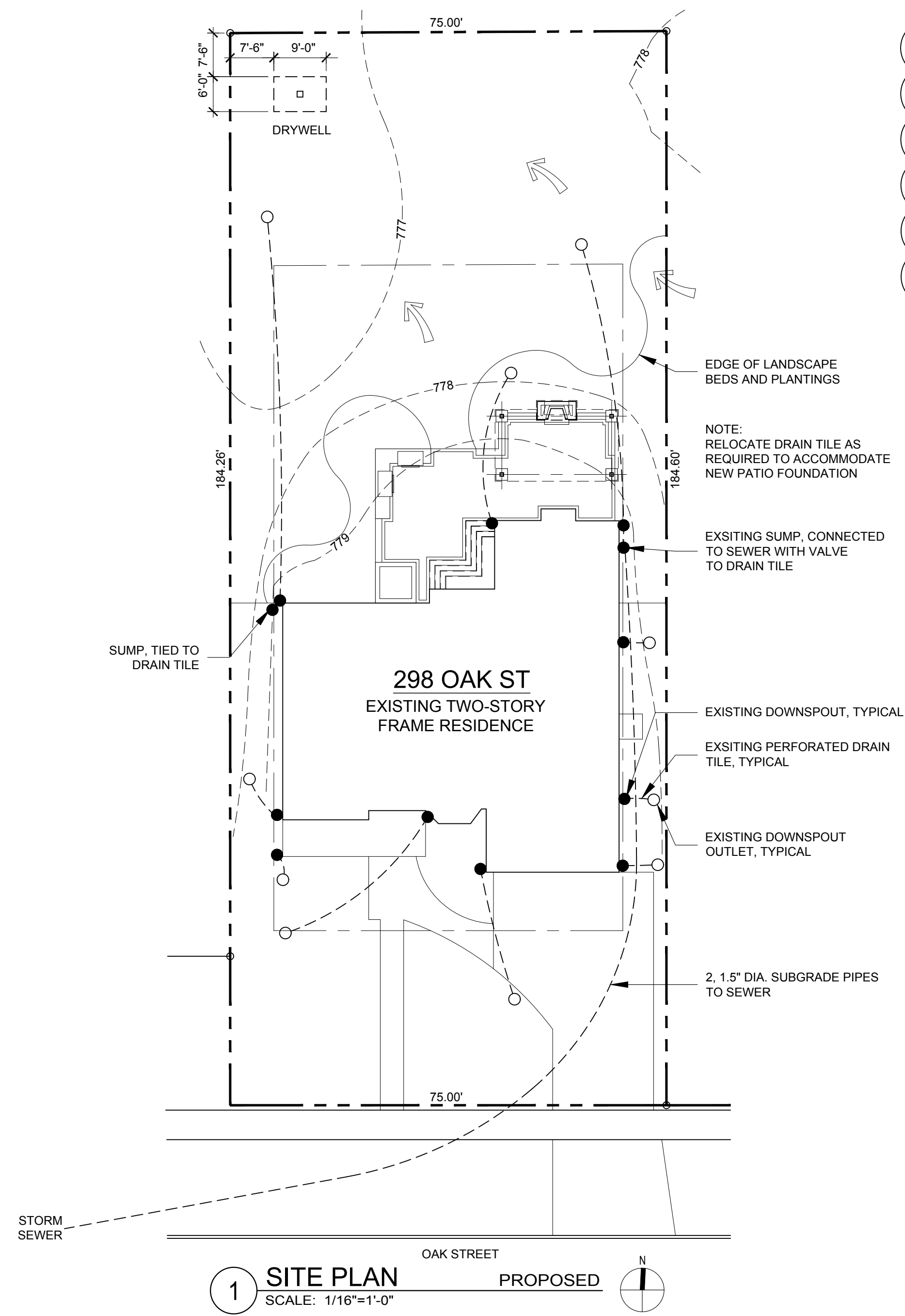
1. OUTDOOR RECEPTACLES MUST BE GFI PROTECTED AND WEATHERPROOF (NEC 210.8).
2. THE ELECTRIC POWER TO HEATERS FOR PERMANENT SPAS SHALL BE CONTROLLED BY A READILY ACCESSIBLE ON-OFF SWITCH THAT IS AN INTEGRAL PART OF THE MOUNTED ON THE EXTERIOR OF THE HEATER, OR EXTERNAL TO AND WITHIN 3 FEET OF THE HEATER. OPERATION OF SUCH SWITCH SHALL NOT CHANGE THE SETTING OF THE HEATER THERMOSTAT. SUCH SWITCHES SHALL BE IN ADDITION TO A CIRCUIT BREAKER FOR THE POWER TO THE HEATER. GAS FIRED HEATERS SHALL NOT BE EQUIPPED WITH A CONTINUOUSLY BURNING IGNITION PILOTS. (R403.10.1, 2018 IECC).



ADDLAWN LANDSCAPING, INC	ARCHITECT	PROJECT: WALLACE RESIDENCE 298 OAK STREET GLEN ELLYN, IL 60137	DRAWING No.:	A - 1.0
			REFERENCE:	NA
607 W Winthrop Ave Addison, IL 60101 Telephone 630.543.9130	Anthony Montalto 304 Oak St Glen Ellyn, IL 60137 Telephone 312.882.5990 Fax 773.687.9185 IL LIC #. 001-017248	TITLE:	SCALE:	1/4"=1'-0"
			DATE:	10.08.2019



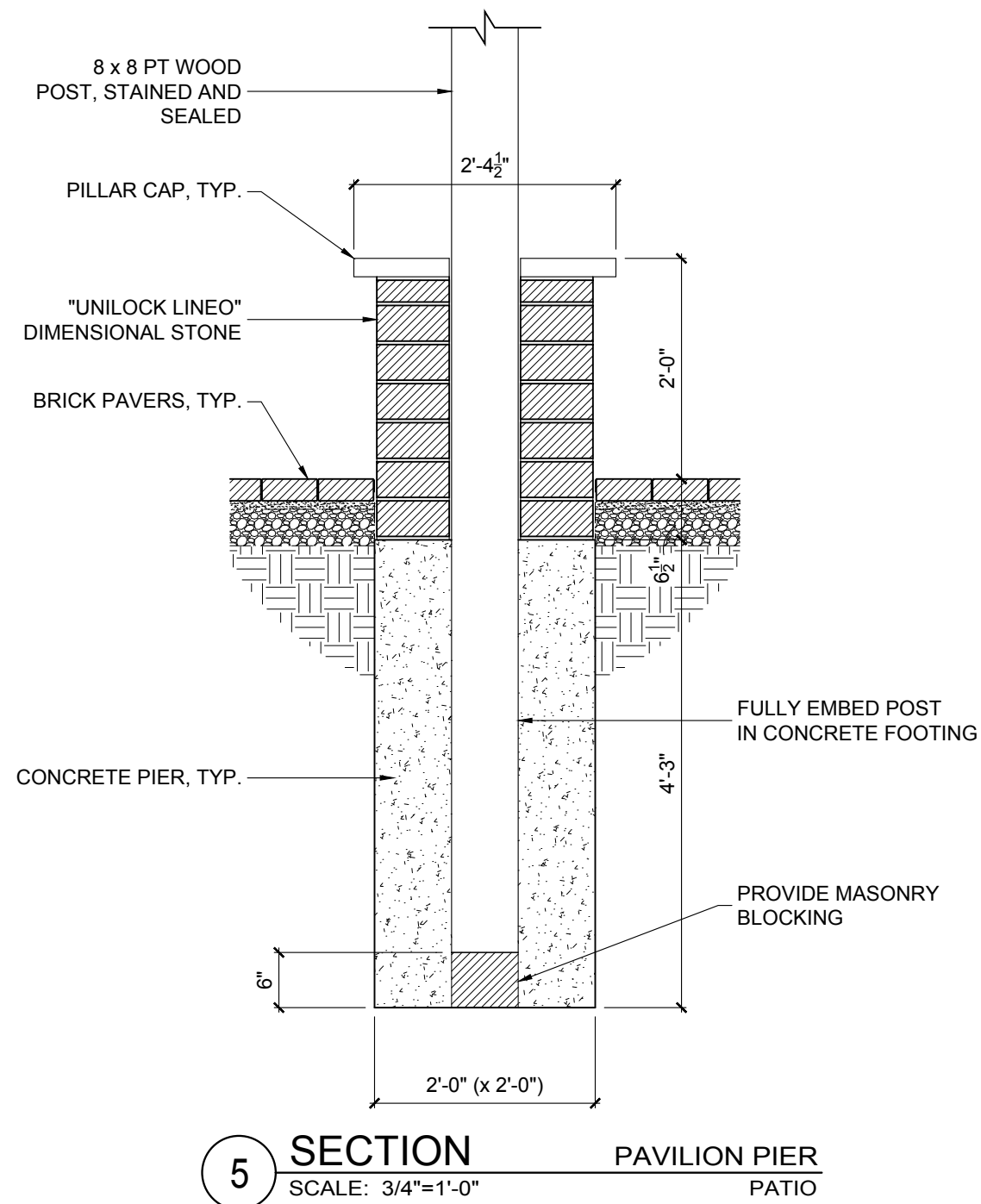
2 **DETAIL** **DRYWELL**
SCALE: N.T.S.



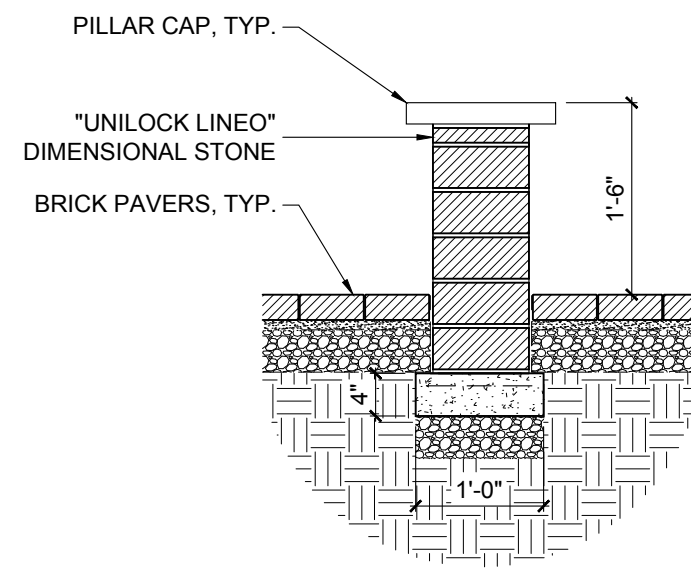
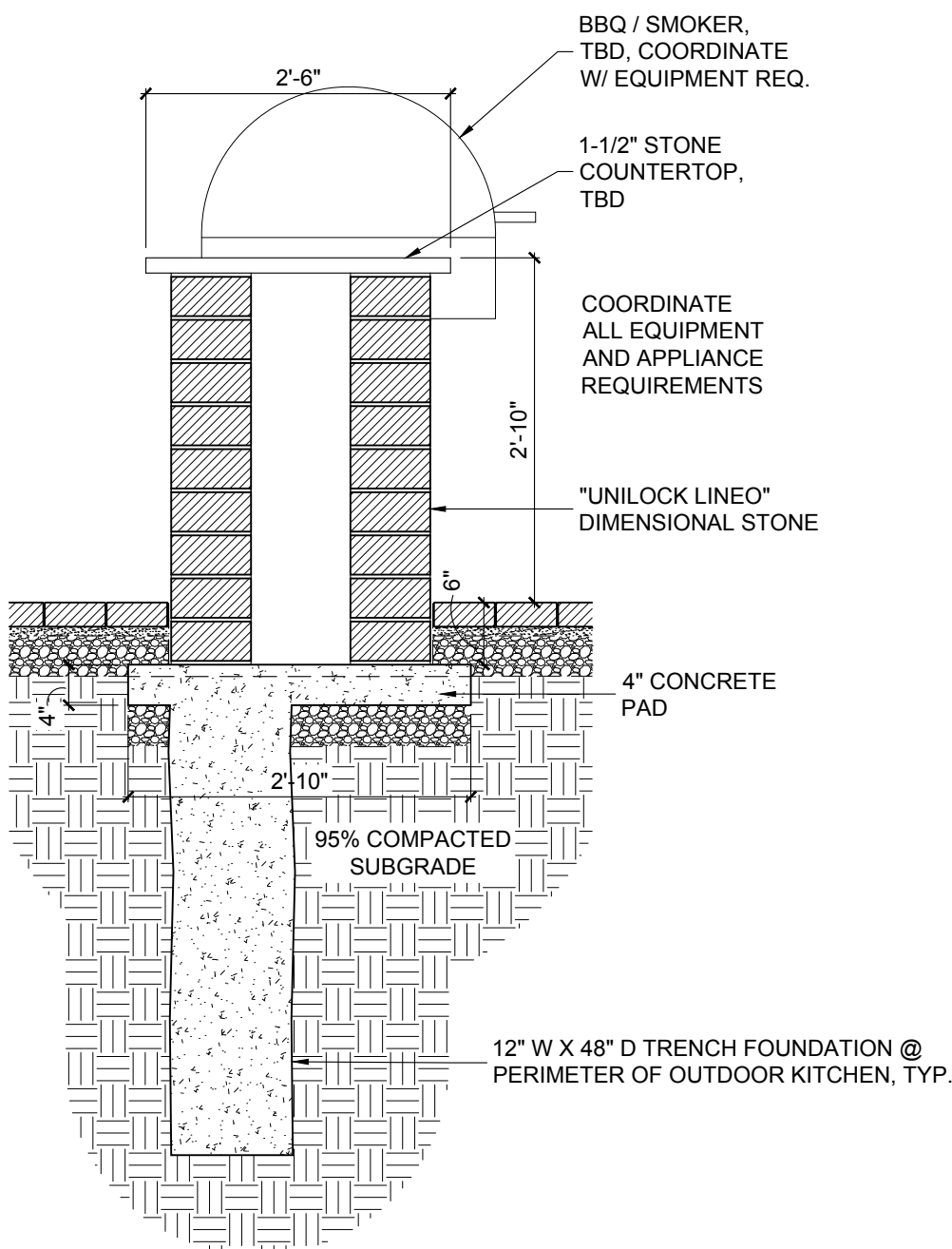
1 **SITE PLAN** **PROPOSED**
SCALE: 1/16"=1'-0"



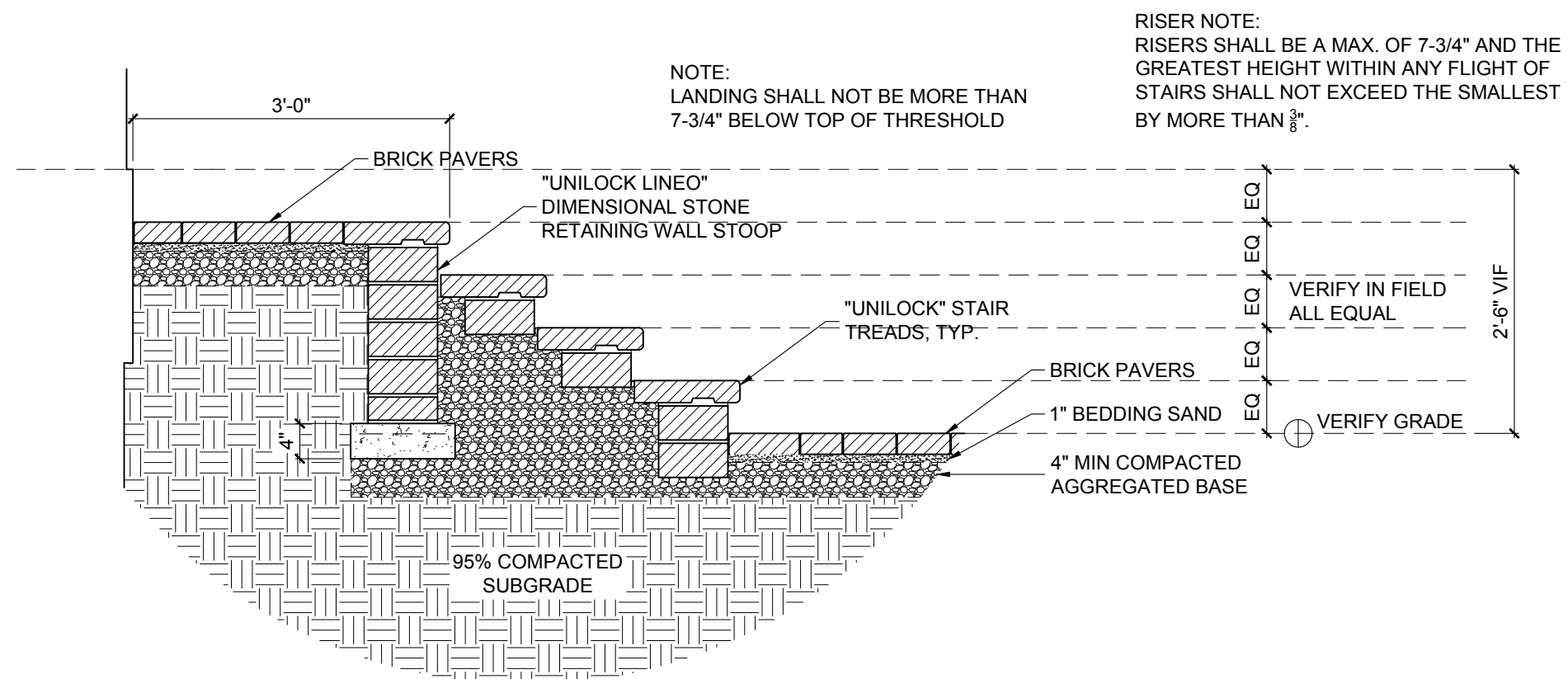
DRAWING No.:	A - 1.1	
	REFERENCE:	NA
	SCALE:	1/16"=1'-0"
DATE:		12.27.2019
PROJECT:	WALLACE RESIDENCE	
	298 OAK STREET GLEN ELLYN, IL 60137	
	TITLE: PROPOSED DRAINAGE PLAN	
ARCHITECT	Anthony Montalvo 304 Oak St Glen Ellyn, IL 60137 Telephone 312.882.5990 Fax 773.687.9185 IL LIC #: 001-017248	
	ADDLAWN LANDSCAPING, INC 607 W Winthrop Ave Addison, IL 60101 Telephone 630.543.9130	



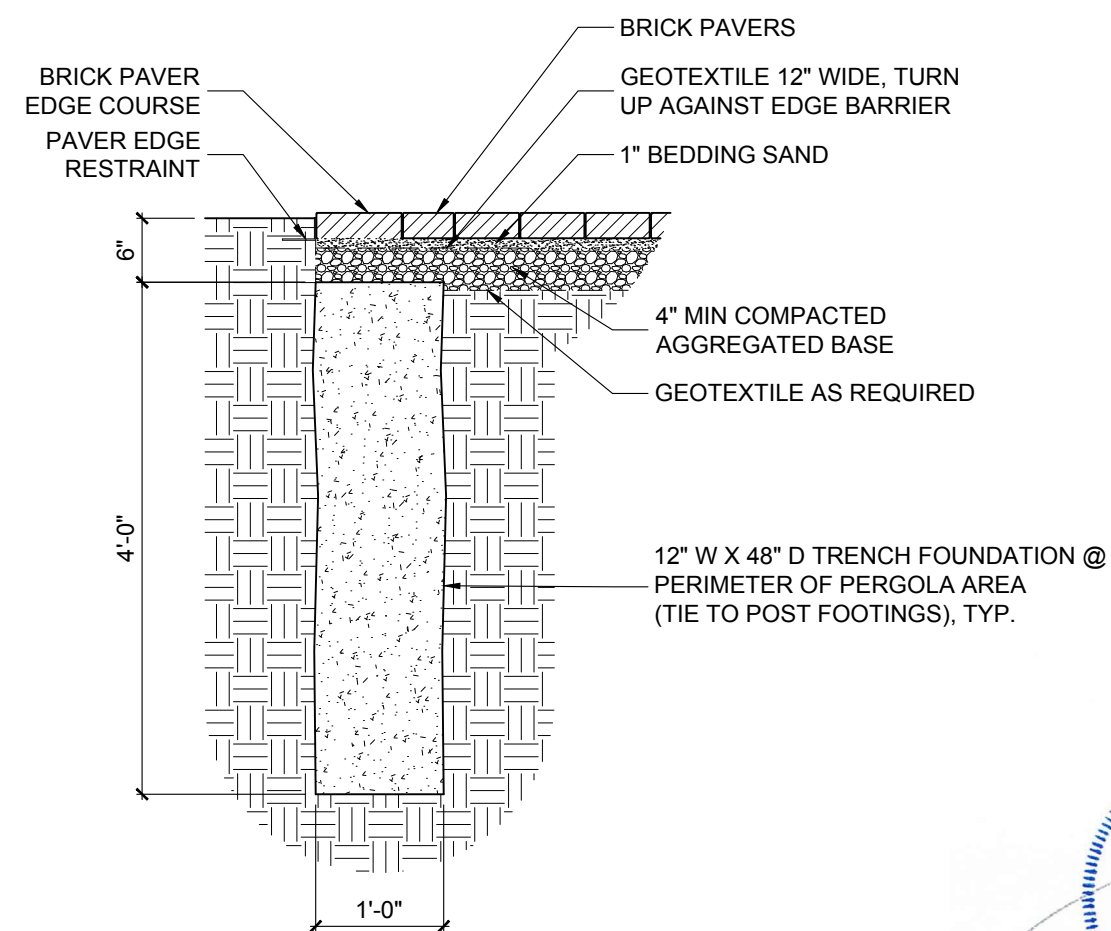
5 SECTION
SCALE: 3/4"=1'-0"



3 SECTION
SCALE: 3/4"=1'-0"



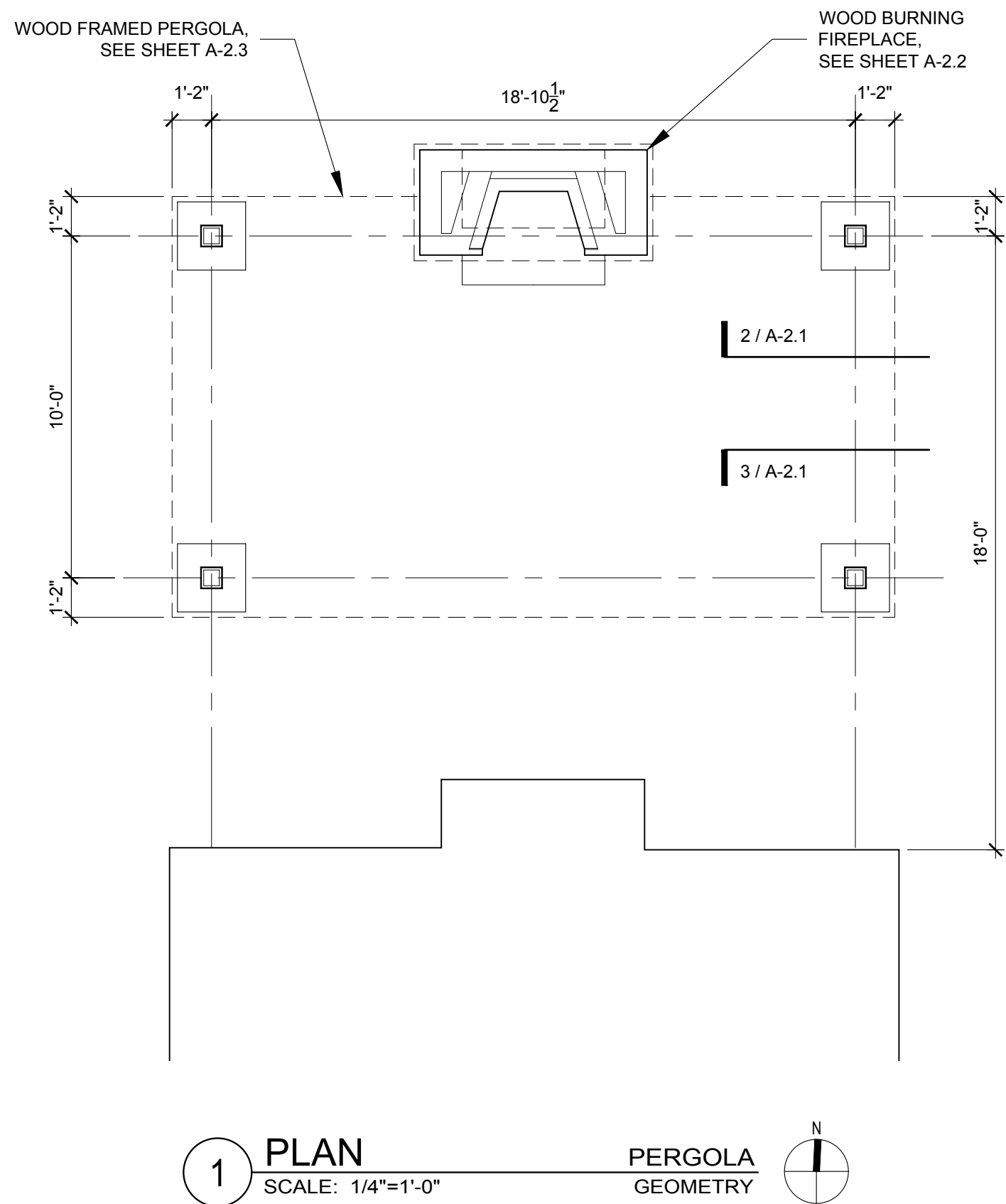
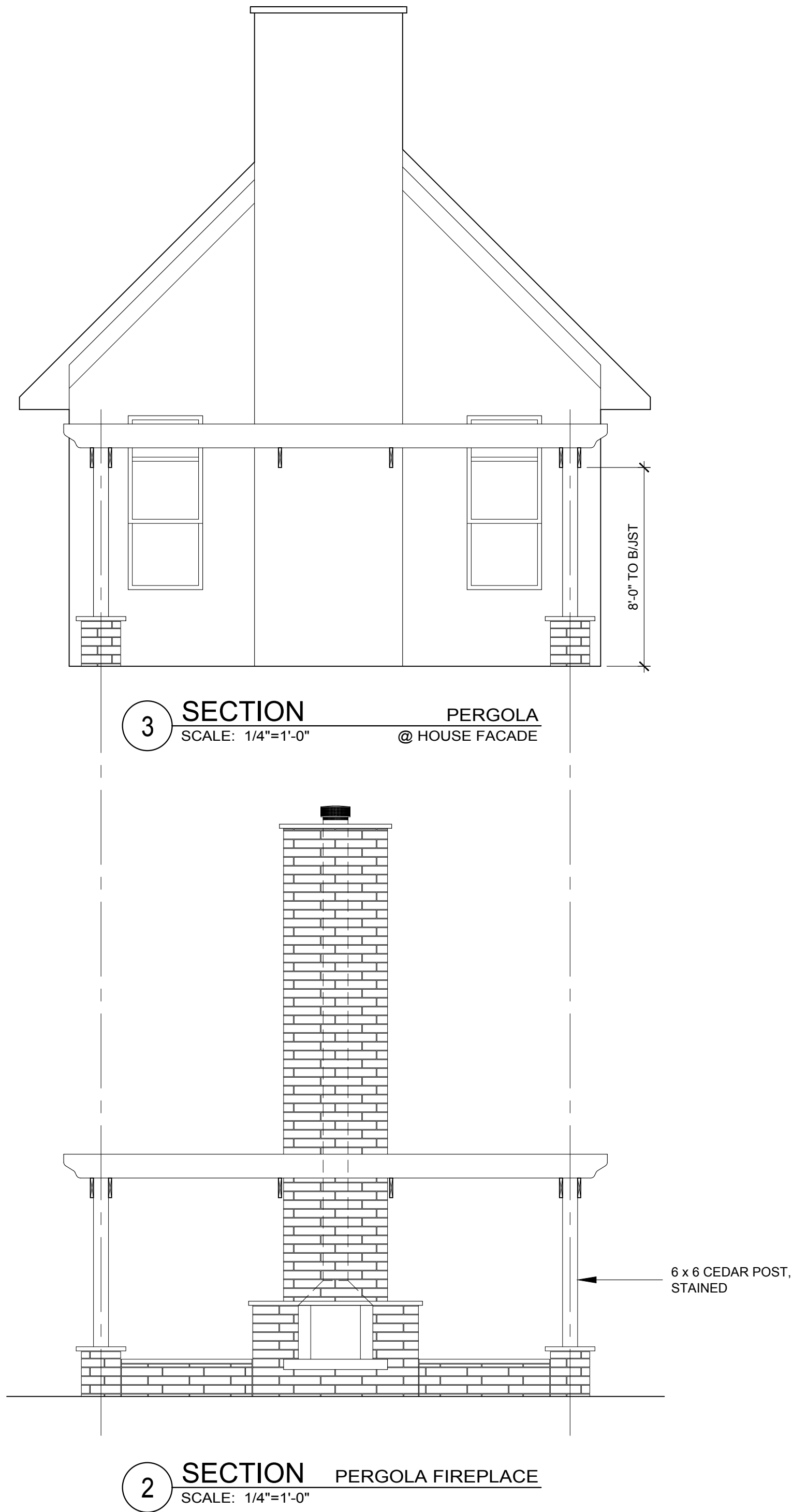
2 SECTION
SCALE: 3/4"=1'-0"



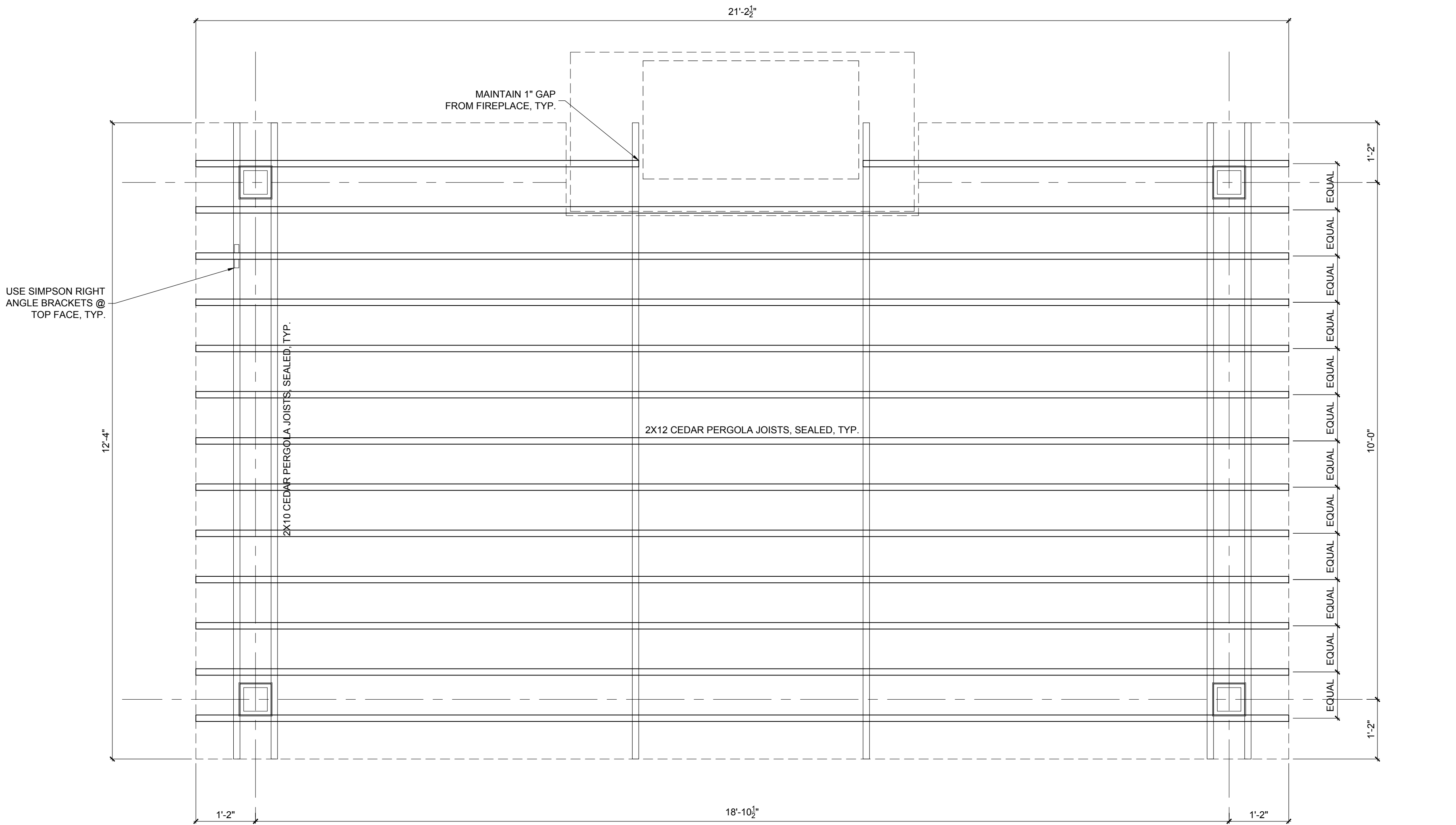
1 SECTION
SCALE: 3/4"=1'-0"



DRAWING No.:	A - 2.0	
	REFERENCE:	NA
	SCALE:	3/4"=1'-0"
DATE:	10.08.2019	
PROJECT:	WALLACE RESIDENCE	
	298 OAK ST	
	GLEN ELLYN, IL 60137	
ARCHITECT	Anthony Montalvo	
	304 Oak St	
	Glen Ellyn, IL 60137	
ADDLAWN LANDSCAPING, INC	607 W Winthrop Ave	
	Addison, IL 60101	
	Telephone 630.543.9130	
TITLE:	TYPICAL DETAILS	

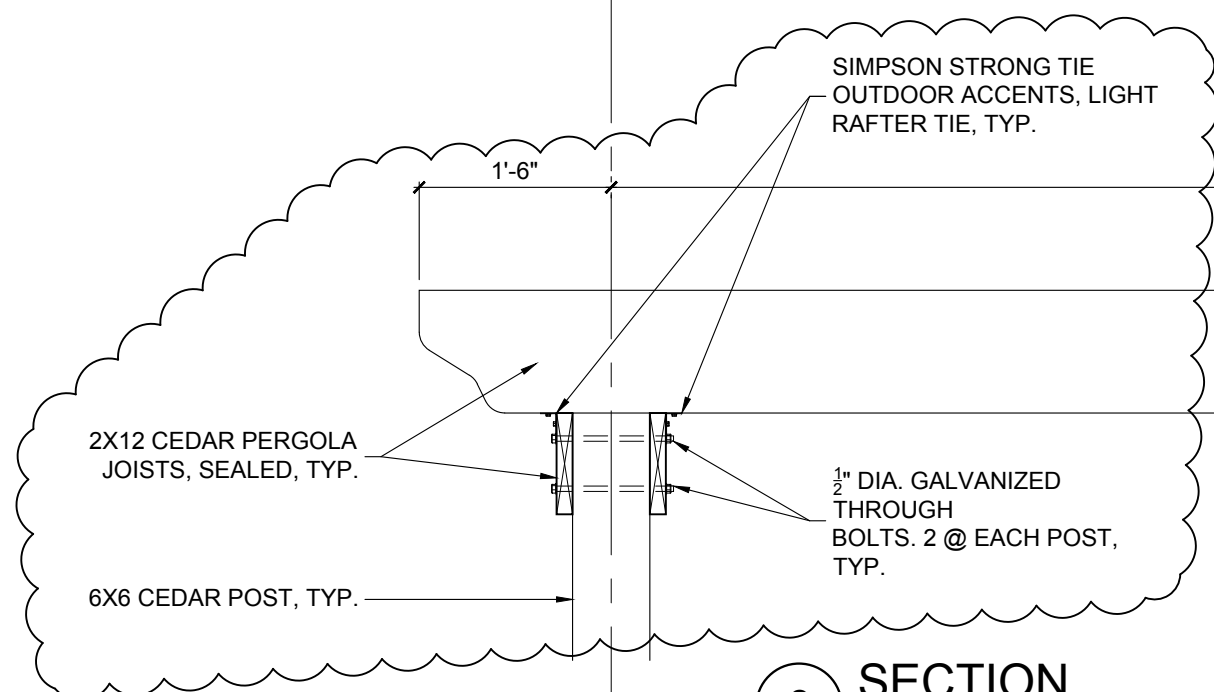


ADDLAWN LANDSCAPING, INC	ARCHITECT	PROJECT: WALLACE RESIDENCE 298 OAK ST GLEN ELLYN, IL 60137	DRAWING No.:	A - 2.1
			REFERENCE:	NA
			SCALE:	1/4"=1'-0"
			DATE:	10.08.2019
		TITLE:	PERGOLA DETAILS	
607 W Winthrop Ave Addison, IL 60101 Telephone 630.543.9130	Anthony Montalto 304 Oak St Glen Ellyn, IL 60137 Telephone 312.882.5990 Fax 773.687.9185 IL LIC #: 001-017248			



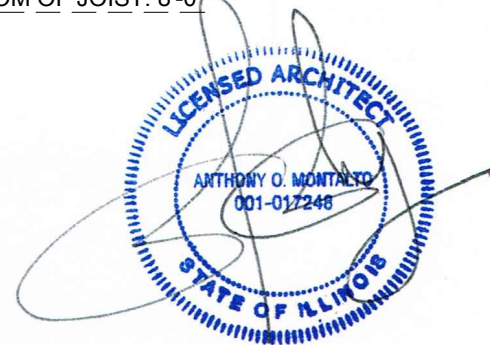
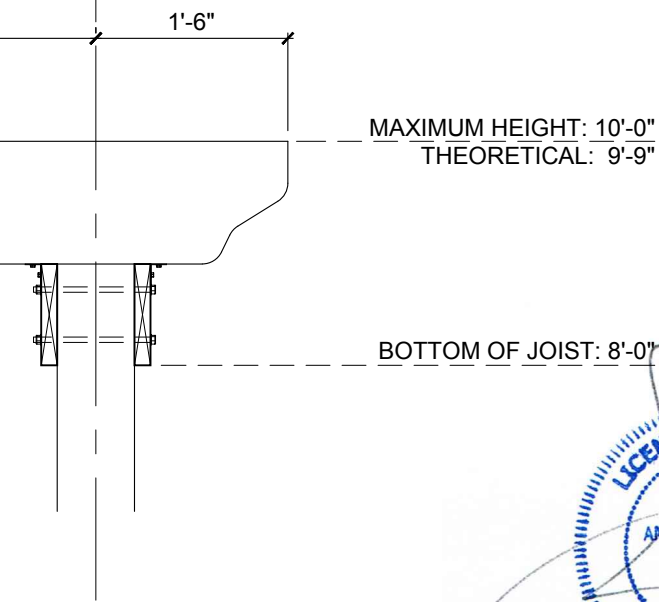
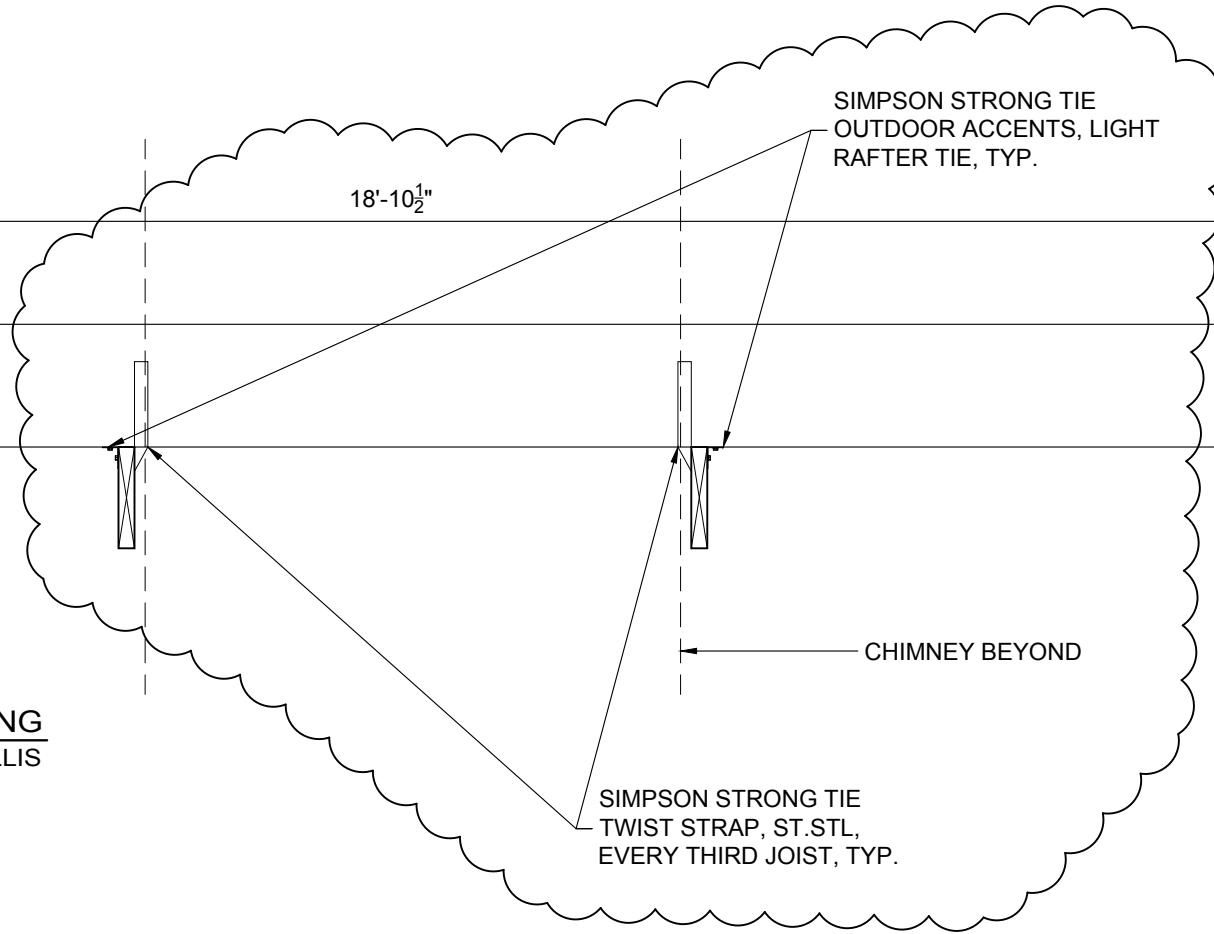
1 PLAN
SCALE: 3/4"=1'-0"

FRAMING
TRELLIS



2 SECTION
SCALE: 3/4"=1'-0"

FRAMING
TRELLIS



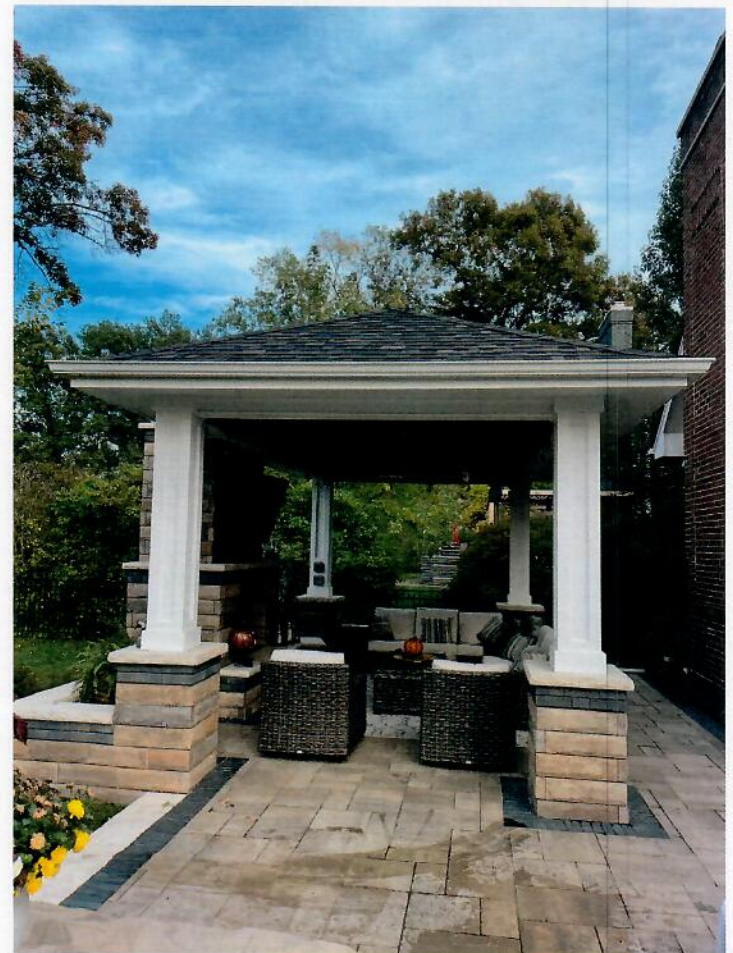
ADDLAWN LANDSCAPING, INC	ARCHITECT	PROJECT:	DRAWING No.:	A - 2.3
			REFERENCE:	NA
			SCALE:	3/4"=1'-0"
			DATE:	11.24.2019
607 W Winthrop Ave Addison, IL 60101 Telephone 630.543.9130		WALLACE RESIDENCE 298 OAK ST GLEN ELLYN, IL 60137		
		TITLE: PERGOLA FRAMING		
Anthony Montalto 304 Oak St Glen Ellyn, IL 60137 Telephone 312.882.5990 Fax 773.687.9185 IL LIC #: 001-017248				











Jim Bartuch
17854 Alta Dr.
Lockport, IL 60441



INVOICE

Maureen Wallace
298 Oak St.
Glen Ellyn, IL 60137

Invoice # 0526322
Invoice Date 11/20/2020
Due Date 11/20/2020

Item	Description	Unit Price	Quantity	Amount
	10' x 18'-10.5" Ramada	32600.00	1.00	32,600.00
<u>NOTES:</u> A 50% deposit is requested to begin work and secure scheduling. Thank You!				
		Subtotal		32,600.00
		Total		32,600.00
		Amount Paid		32,600.00
		Balance Due		\$0.00

Jim Bartuch
17854 Alta Dr.
Lockport, Il. 60441

QUOTE

Maureen Wallace
298 Oak St
Glen Ellyn, IL 60137

QUOTE # 0526402
Quote Date 10/20/2021

Item	Description	Unit Price	Quantity	Amount
	demo and removal of existing ramada	5500.00	1.00	5,500.00
	new cedar pergola	18700.00	1.00	18,700.00
<u>NOTES:</u> A 50% deposit is requested to begin work. Thank You!				
Subtotal				24,200.00
Total				24,200.00
Amount Paid				0.00
Balance Due				\$24,200.00



November 7, 2019

Addlawn Landscaping, Inc.
960 N. Lombard Road
Lombard, IL 60148

Village President
Diane McGinley

Trustees
Kelli Christiansen
Bill Enright
Gary Fasules
Craig Pryde
Mark Senak
Steve Thompson

Village Manager
Mark T. Franz

Village Attorney
Gregory S. Mathews

Civic Center
535 Duane Street
Glen Ellyn, IL 60137

Administration
630-469-5000

Finance
630-547-5235

Community Development
630-547-5250

Police
65 South Park Boulevard
Glen Ellyn, IL 60137
630-469-1187

Public Works
30 South Lambert Road
Glen Ellyn, IL 60137
630-469-6756

The Village Links
485 Winchell Way
Glen Ellyn, IL 60137
630-469-8180

RE: Building Permit Application #20192779
Patio and porch
298 Oak St.
Glen Ellyn, IL 60137

Building Plan Review No. 1

The submitted permit documents, received 10/21/19, prepared by Anthony Montalto, dated 10/8/19, for the above project, have been reviewed for compliance with applicable building codes.

The permit documents do not appear to comply with the building requirements of the Village of Glen Ellyn. Please revise and resubmit three complete drawing sets. Permit documents prepared and sealed by a design professional may only be revised by the design professional. All changes shall be clouded.

A response letter summarizing your revisions is required to be submitted with the revised drawings.

Please address the following plan review comments (applicable code section in parenthesis).

Zoning: Not approved.

1. Though the Permit Application and the Project Description on the drawing cover sheet indicates the work as a REAR PATIO, the drawings indicate a roofed pavilion is also proposed. The proposed pavilion (porch) addition would exceed the maximum allowable lot coverage and is not allowed. The maximum allowable lot coverage is 20% of the lot area and is limited to 2766.45 square feet. Village records indicate the lot coverage of the existing house is 2766 square feet. Revise the drawings for compliance.

Building: Not approved.

1. The pavilion (porch) is not being reviewed because it exceeds the maximum allowable lot coverage and is not permitted.
2. Masonry veneer shall not support any vertical load other than the dead load of veneer above (R703.7.3, 2009 IRC).
3. A minimum of 1" airspace must be maintained between the chimney and combustible framing (2009 IRC, R1003.3.18).
4. The proposed landing is not dimensioned but appears to only be 2' in the direction of travel which does not comply. There shall be a floor or landing on each side of each exterior door at least as wide as the door and 3 feet minimum in the direction of travel (2009 IRC, R311.3). The landing shall not be more than 7¾" below the top of the threshold (2009 IRC, R311.3.1). Revise for compliance.

5. Risers shall be a maximum height of 7¾" and the greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8". (2009 IRC, R311.7.4.1)
6. Indicate any gas lines is to be provided. Indicate material and proposed burial depth for the proposed gas line. Underground piping systems shall be installed a minimum of depth of 12" below grade (2009 IRC, G2425.10). A yellow insulated copper tracer wire is required adjacent to underground nonmetallic piping (2009 IRC, G2425.15.3)
7. Provide details for the spa to clarify whether this is a permanent spa or a portable spa. Spas and hot tubs must meet specific safety standards. Please provide documentation that the spa or hot tub complies with ASTM/NSPI standards.
8. Indicate any proposed electrical work. Outdoor electrical receptacles must be GFI protected and weatherproof (NEC 210.8). Indicate for compliance.
9. The electric power to heaters for permanent spas shall be controlled by a readily accessible on-off switch that is an integral part of the heater mounted on the exterior of the heater, or external to and within 3 feet of the heater. Operation of such switch shall not change the setting of the heater thermostat. Such switches shall be in addition to a circuit breaker for the power to the heater. Gas-fired heaters shall not be equipped with continuously burning ignition pilots. (R403.10.1, 2018 IECC)
10. Outdoor spas must be provided with a vapor-retardant cover (R403.10.3, 2018 IECC). Also, a safety barrier is required to restrict access to the spa. In lieu of a fence, spas or hot tubs may be provided with a safety cover which complies with ASTM F1346 (2009 IRC, AG105.5). Provide manufacturer specifications to document the spa cover complies with these requirements.

Other Reviews:

The above review is for building code compliance only. Our records indicate the status of the other required reviews as follows:

	<u>received</u>	<u>rejected</u>	<u>approved</u>
Grade Engineering Review	10/21/19	11/6/19	
Tree Preservation Review	10/21/19	---	10/23/19

This review, or any errors, omissions or conflicts in the permit documents, shall not relieve the owner and his agent(s) of their responsibility to comply with all applicable provisions of the Building Code, Zoning Code, and Ordinances of the Village of Glen Ellyn.

Please contact me immediately at 630-547-5372 if you have any questions about these plan review comments or call 630-547-5250 for other information or assistance in completing the permit issuance process.

Sincerely,

Paula J. Moritz

Paula J. Moritz
Building Plan Examiner
CC: file

Anthony Montalto, Architect
TEL 312.882.5990
montaltoanthony@yahoo.com

November 24, 2019

298 Oak St
Glen Ellyn, IL 60137

Attn:
Paula J. Moritz, Building Plan Examiner

Re: Review #1; Report Date November 7, 2019

Dear Ms. Moritz,

Please review the following responses to comments provided in Review No. 1 dated November 7, 2019:

Zoning:

1. Closed pavilion has been removed from Permit Application #20192779 and replaced with an open pergola that is less than 250 sf in plan.

Building:

1. Closed pavilion has been removed from Permit Application #20192779 and replaced with an open pergola that is less than 250 sf in plan.
2. Current proposal no longer has any framing / component bearing on masonry veneer.
3. Pergola framing is a minimum 1" away from chimney as noted on Sheet A-2.3.
4. Landing has been increased to 3'-0" and dimensioned on sheet A-1.0 and A-2.0.
5. Note added to Sheet a-2.0.
6. Schedule 40 black pipe shown on A-1.0 and 12" depth noted.
7. It is a permanent spa that sits within a manufacturer's cabinet.
8. Note added to Sheet A-1.0. No additional receptacles currently planned.
9. Note added to Sheet A-1.0.
10. See attached specifications.

Revised drawings that have been clouded with changes is included.

Sincerely,



Anthony Montalto
312.882.5990

304 OAK ST, GLEN ELLYN, IL 60137

Laura Tisinai

From: Richard Czajkowski
Sent: Wednesday, August 25, 2021 1:52 PM
To: mofoley21@hotmail.com
Cc: Laura Tisinai
Subject: 298 Oak - Possible Work Without Permit

Hi Maureen,

As per our discussion, we were sent to your residence because of receiving calls regarding possible work done without a permit. I understand from our conversation that there may have been some additional work completed after the initial permit. Please either stop by Community Development or contact Laura Tisinai our Permit Manager by phone 630-547-5253 and provide information regarding the additional work that occurred. Laura will explain how to proceed regarding any additional permitting fees and Inspection requirements.

Please let me know if you have any additional questions.

Thanks,
Rich

Rich Czajkowski | Building Inspector | Community Development Department
Village of Glen Ellyn | 535 Duane Street | Glen Ellyn, IL 60137
rczajkowski@glenellyn.org | p 630.547.5245 | f 630.547.5370

Roof over pergola.

List of Letters of Support/Opposition

Name	Address	Relationship to the Homeowners	Purpose
Anthony Montalto	304 Oak Street, Glen Ellyn	Project Architect/Adjacent Neighbor to the East	Support
Don & Mary Lou Andruska	292 Oak Street, Glen Ellyn	Adjacent Neighbor to the West	Support
Mike Neumann	301 Elm Street, Glen Ellyn	Adjacent Neighbor to the Northeast	Support
Steven Hollon	295 Elm Street, Glen Ellyn	Adjacent Neighbor to the Northwest	Support
Rebecca Nessler	291 Elm Street, Glen Ellyn	Neighbor within 250' Buffer	Support
Kaaren O'Reilly	289 Elm Street, Glen Ellyn	Neighbor within 250' Buffer	Support
Samir Patel	311 Oak Street, Glen Ellyn	Neighbor within 250' Buffer	Support
Jessica & Mike Powell	287 Oak Street, Glen Ellyn	Neighbor within 250' Buffer	Support
Jim & Patti Campanella	323 Elm Street, Glen Ellyn	Neighbor within 250' Buffer	Support
Egan Foley	132 Derby Glen Dr, Glen Ellyn	Friend/Glen Ellyn Resident	Support
Denise Bernstein	356 Cottage Avenue, Glen Ellyn	Friend/Glen Ellyn Resident	Support
Katie Anderson	654 Euclid Avenue, Glen Ellyn	Friend/Glen Ellyn Resident	Support
Jack Anderson	654 Euclid Avenue, Glen Ellyn	Friend/Glen Ellyn Resident	Support
Andrea Kammes	333 Prospect Avenue, Glen Ellyn	Friend/Glen Ellyn Resident	Support
Griffin Kammes	333 Prospect Avenue, Glen Ellyn	Friend/Glen Ellyn Resident	Support
Graham Pierce	871 Colcord Place, Glen Ellyn	Friend/Glen Ellyn Resident	Support
Julia Holter	323 Marion Avenue, Glen Ellyn	Friend/Glen Ellyn Resident	Support
Paxton Warden	675 Western Avenue, Glen Ellyn	Friend/Glen Ellyn Resident	Support
Nora Janninck	250 Forest Avenue, Glen Ellyn	Friend/Glen Ellyn Resident	Support
Sebastian Vilkama	1554 Glencoe Street, Wheaton	Friend	Support
Will Sweinsberger	1824 Wakeman Court, Wheaton	Friend	Support
Andrew Dauksas	1045 Crescent Boulevard, Glen Ellyn	Friend/Unincorporated Glen Ellyn Resident	Support
Gail Dillon	6585 N. Northwest Highway, Chicago	Friend/Relative	Support
Laura Levin	Ann & Robert H. Lurie Children's Hospital 225 E. Chicago Avenue, Chicago	Children's Attending Physician	Support

Anthony Montalto, Architect
TEL 312.882.5990
montaltoanthony@yahoo.com

October 26, 2021

298 Oak St
Glen Ellyn, IL 60137

Building Permit Application #20192779

Dear Zoning Board of Appeals,

I am writing to you as both an architect and a neighbor of the Wallaces at 298 Oak St. While I do not condone doing any work without going through the required process and without the required approvals, I wanted to offer my support for allowing them to keep the pavilion for the following reasons:

1. I have reviewed the contractor's drawings and the as-built pavilion and it is of extremely high quality and is aesthetically congruent with the approved patio and residence.
2. The covered pavilion does not add any additional impervious area as it is 100% over the approved patio.
3. There is ample rear yard and drainage remaining with the pavilion in place (same as with the approved patio).
4. The pavilion has provided the Wallace family and other children in the neighborhood a covered and heated space for e-learning and get-togethers during the pandemic.
5. There is no negative impact to view corridors, light, or air from my property. The pavilion and patio are a wonderful visual addition the rear yard scape.
6. The 1.3% overage on lot coverage is minimal compared to the overall size of the yard. The Wallace yard also is surrounded by some larger yards which further reduces the overall impact to the neighborhood.

Should the Board see fit to allow the pavilion to remain, we have no objections at 304 Oak St.

Sincerely,



Anthony Montalto
312.882.5990

304 OAK ST, GLEN ELLYN, IL 60137

Ann & Robert H. Lurie
Children's Hospital of Chicago
Foundation

Stanley Manne Children's
Research Institute

Pediatric Faculty
Foundation

Northwestern

FEINBERG SCHOOL OF MEDICINE

Faculty of
Northwestern University
Feinberg School of Medicine

Donald Zimmerman, MD
Division Head

Monica Bianco, MD
Wendy J. Brickman, MD
Courtney Finlayson, MD
Naomi Fogel, MD
Reema L. Habiby, MD
Jami Josefson, MD
Priya Khanna, MD
Mary L. Kreiter, MD
Juan Lado, MD
Laura Levin DO
Mary McCauley, MD
Jennifer Miller, MD
Jill Samis, MD
Anita Swamy, MD
Laura Torchen, MD

FELLOWS

Apoorva Aekka, MD
Sean Delacey, MD
J Whitehead, MD

NURSING

Christine Belair, RN, BSN
Lisa Bennett, MSN, APN/PNP
Cristina Cacciatore APN-PNP
Maria Chiappetta, RN, BSN, CDE
Liliana Diac, RN, BSN
Jason Duarte, RN, BSN
Sara Fruendt, RN, BSN, CDE
Shirley Goodman, RN, BSN, CDE
Denise McDaniel, RN, BSN
Celia Morelos, RN, BSN, CDE
Daniela Munoz, RN, BSN
Elizabeth Nandi, RN, BSN
Cathy Pepitone, BS, RN, CPN
Paula Petrie, RN, BSN, CDE
Lauren Robinson, BSW, RN, BSN
Margaret Ryan, RN, BSN
Bernadette Zalinski, RN, BSN



Ann & Robert H. Lurie Children's Hospital of Chicago™

Division of Endocrinology

225 E. Chicago Avenue, Box 54, Chicago, Illinois 60611-2605
312.227.6090 Fax: 312.227.9403
luriechildrens.org

October 14, 2021

Name: Ryan Wallace

MRN: 1517205

DOB: 12/6/2005

Date of Service: 10/14/2021

To Whom It May Concern,

Ryan has Type 1 diabetes which is an autoimmune condition. Since he has an autoimmune condition he is considered immune compromised. During COVID many teens have experienced some struggle with mental health, particularly we have seen this in our patient with diabetes. Ryan was beginning to show signs of this. The social isolation really affected many teens and has led to an increase in depression and anxiety. As providers we recommended that our patients socialize in a distanced outdoor space for their own health and well being. Being outside is considered safer for everyone during COVID, but especially for the immune compromised.

Thank you,

Laura Levin DO

Attending Physician

Division of Endocrinology

September 22, 2021

Dear Village Board of Zoning Appeals:

My husband was diagnosed with Stage 4 colon cancer 8 years ago. As his treatment options were dwindling, we were introduced to Wellness House by his doctor in the Palliative Care unit at Northwestern Memorial Hospital. To say Wellness House was a "game-changer" for our children (7 and 5 at the time), my husband and I would be a gross understatement. We were guided how to best communicate and support our kids while also ensuring we had access to programs, information and members of the team to determine the best plan for our family.

Wellness House provides a variety of services and programs for families who are faced with a cancer diagnosis, working through cancer treatments and/or grieving the loss of a family member. All of the programs and services are provided free of charge whether in person at their location in Hinsdale as well as virtually. Over the last few years, Wellness House has been working on expanding services to underserved communities across the Chicagoland area –again free of charge.

After my husband passed away, my time was focused on the kids and once again the staff was right there by my side. During and after he lost his battle, priorities changed – what was truly important – little things matter – celebrate small victories. I also wanted to do more by sharing my personal and professional experiences with others who were living with a similar situation.

I had the privilege of serving on the Wellness House Board of Directors for three years where I was involved in multiple committees including programs/services as well as supporting multiple fundraising efforts – specifically the annual gala which is the primary event held where all proceeds are used to support and fund all of Wellness House programs and services.

The annual event was cancelled in 2020 due to covid and was changed to be a virtual fundraiser in October. The best way to be socially responsible while still raising money for this wonderful cause was to hold the event outdoors at a location that had a heated outdoor space where everyone could be socially distanced yet still participate. I am more than thankful to the Wallace family for offering to host this event as without their generosity and use of the outdoor space we would not have been able to assist in raising money for Wellness House.

Please consider my story, what it means to my family and most importantly, what it means to Wellness House to be able to support so many that are facing something no family should ever have to live through.

Sincerely,



Denise Bernstein
356 Cottage Avenue, 708-714-0355

October 25, 2021

To Whom it May Concern-

I am writing to you regarding Kevin and Maureen Wallace's backyard patio. I am not aware of the specifics of their minor violation, but I am asking you to allow them to keep their patio as is. The last year and half have been difficult on everyone. Like the Wallace's, we have followed the rules for social distancing to keep our families safe. Our teenage son Jack is a good friend of the Wallace's son. This outdoor living area was a lifesaver for their group of friends because it allowed our kids to be together in a safe way. They would gather to watch movies, sports even in the winter months because of this structure. Their backyard allowed the kids to have a "new normal" way to hang out.

As a teacher, I can tell you firsthand this pandemic has been very challenging on students. Their anxiety levels have gone up, their ability to communicate has gone down, and many kids' behaviors in schools have worsened. Educators and parents will have a challenge ahead of them as they try to help their kids recover. I am so thankful that my son and his friends could benefit from the generous opportunities the Wallace's were able to provide.

I respectfully ask that you consider the ongoing uncertainty of the pandemic when you examine the Wallace's case and consider that outdoor living requirements may need to be flexible in our current environment.

Thank you for your time and consideration.

Katie Anderson

A handwritten signature in black ink that reads "Katie Anderson". The signature is written in a cursive style with a long horizontal flourish extending to the right.

October 10, 2021

To Whom It May Concern,

Wow - What a year... more than a year! This pandemic has brought many ups and downs, twists and turns. Changing our way of thinking and way of living. Covid reared its ugly head and took the life of someone dear to our family. Someone who was being safe and following all the precautions. Covid also shut the world down and allowed my family to spend precious quality time with my father as he lost his quick 16month battle with cancer. After a 32 day vigil at his bedside my amazing friends were there to cheer me up. Being the middle of January no one wanted to host a group of 11 ladies *IN* there home, going out wasn't an option either. How wonderful to have a friend with a beautiful outdoor *covered* living space. We sat there comfortably with coats on under the heaters as it on and off lightly snowed. It was just what we all needed. Gathering with friends safely was medicine for the soul! My children have also been able to take advantage of having a friend with an outdoor *covered* living space. Between remote school learning and canceled sports/activities how amazing to have a place where they could safely gather with friends to feed their minds and souls of that key missing element of socialization during an isolating time. We appreciate and feel so fortunate to have friends who have a place where our kids can safely hang out face to face while following safety guidelines during these unfortunate times. Please reconsider your stance on whether or not this beautiful and tastefully done outdoor living space is allowed to stay as is - it has been a lifeline for so many as we adjust during the Covid Pandemic.

Thank you

Sincerely,

A handwritten signature in cursive script that reads "Andrea Kammes". The ink is dark and the signature is fluid, with a long, sweeping tail on the last name.

Andrea Kammes
333 Prospect Avenue
Glen Ellyn, IL 60137

October 17, 2021

To Whom It May Concern:

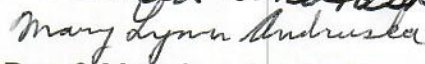
We are Don & Mary Lou Andruska living at 292 Oak Street in Glen Ellyn. I was recently made aware that the beautifully done roofed structure at 298 Oak Street is under scrutiny with the village. These neighbors have 4 children and use that area frequently. They are a very nice family with respectful kids. It would be an absolute shame for them to lose that completely covered area. It would also be incredibly wasteful to have to remove something that was built so well.

I have 4 kids of my own, they are all grown and in their 30's now. I know how hard it is to raise teenagers and I can only image the challenges they face today compared to 20 years ago. It's probably a blessing to Kevin & Maureen to know their kids are safe and home on the weekends hanging out with their friends. They could be running around town getting into trouble, but with a hangout spot as nice as this they are safe and staying out of trouble. I remember on Superbowl Sunday there was a group of kids out there and I thought surely they must be cold, but they were laughing & having a great time together. As a retired couple with 4 grown children, seeing these young kids spending time together brings us joy.

They did have a pergola up and it was used, but as the weather turned cooler we didn't see too much of the kids. Last winter they put a roof on it, and installed heaters which we thought was a wonderful idea considering what was happening in the world. There was no place for adults to go and it was hard being isolated in our homes, I can only imagine how these youngsters felt. I frequently see other younger neighborhood kids hanging out in their backyard sitting and talking with their friends and playing games.

I do hope that you will take into consideration how losing this structure would be a loss to not only the Wallace's but to so many young kids who use it. Covid has taken away so many things from so many people, I would hate to have this taken away from them as well. The structure fits in so nice with the rest of their home, I would hate to see something happen to it.

Sincerely



Don & Mary Lou Andruska

To Whom It May Concern

I'm writing to you in regards to the property that shares a property line with my backyard. My wife, 2 kids, and I live at 301 Elm Street. Our back yard backs up to the Wallace's house at 298 Oak Street. Last summer they redid the backyard. The roofed structure truly completes the backyard. It is very aesthetically pleasing and is more functional then the pergola they originally had.

With the pandemic not letting up last winter and lasting throughout this entire year, I frequently saw kids outside enjoying this area. Their kids used that space for e-learning, and hanging out with their friends at a safe distance. The Wallace's as a family would use it to watch Sunday mass outside when St. Petronille had capacity limits. Many younger kids from the neighborhood would often use this area as well to be together to make crafts and just chat amongst each other. With the schools being closed for an extended period of time these kids became socially isolated. It was great to see kids off of their electronic devices and seeing them outside with friends. It was also nice hearing the giggles and laughs coming from their backyard.

This area provides shade from the sun, as well as allows for use in inclement weather. In fact, this year it rained the night of Glenbard West's homecoming. There was a small group of kids that hung out under the roofed area. These kids did the responsible thing by staying outside rather than gathering indoors.

It would truly be a hardship not only for the Wallace family, but for the neighborhood if they lost this area, as so many young kids have benefitted from this. There was no place for kids to go and hang out together safely for almost a year and this truly was a place that created happy kids for the residents on the west end of both Oak Street & Elm Street. I do hope you will reconsider and grant the Wallace's a variance and allow them to keep this roofed space. It would be a loss to all the kids in our neighborhood if they lost this area, especially with the cooler weather fast approaching.

Thank you for your consideration

A handwritten signature in dark ink, appearing to read 'Mike Neumann', with a long horizontal line extending to the right.

Mike Neumann

301 Elm Street
Glen Ellyn, IL 60137

To Whom It May Concern:

My husband Craig and I reside at 291 Elm Street. Our backyard is very open and we can see directly into the backyard of 298 Oak Street. They have a beautiful pavilion in their backyard that fits perfectly into their existing home. The owners did a beautiful job on their backyard renovation. They did have a white pergola originally, then they roofed it last winter. I do not know these neighbors personally, but I would imagine they did this to make it a space that is usable in inclement weather as well as provide a safe space for people to hang out while being socially responsible given the current and what seems to be never ending Covid pandemic.

With there not being in person school last year, and very limited extracurricular activities, this area allowed kids to be outside of their homes and socialize safely with other neighborhood friends. I also frequently see small groups of high school aged kids hanging out under the pavilion. It's refreshing to see them outside being social rather than inside on electronic devices like so many of the kids today are. It is quite evident that the residents of this home take pride in keeping up the beauty of their property. I certainly enjoy the view when I am in my backyard.

I do hope that you will reconsider and grant these property owners the variance needed to keep this structure as is. It would be a detriment to many younger neighborhood kids if they lost this space as well as the group of high schoolers I see that use this area frequently. If they didn't have this space I can only imagine what could happen with these older kids. We all know that when teenagers are bored, that's when they get in trouble. For the safety of these older kids, and for the happiness and well-being of the younger kids in the neighborhood I do hope you allow this family to keep their back yard as it currently is.

Thank you for your consideration



Rebecca Nesslar

To Whom It May Concern

My name is Samir Patel. I live at 311 Oak Street with my wife Asha and our 3 children. I'm writing to you in regards to the backyard at 298 Oak Street. My daughters recently informed me that their friend's backyard was in danger of losing their pavilion. They were quite upset as they use that outdoor space to hang out with their friends. They couldn't imagine why someone would make them remove it. We as a family took COVID very seriously, and did not allow our children to go in to other people's homes. They were only allowed to play with friends outside. Julia's outdoor area was a popular spot in the neighborhood because it didn't matter if it was raining or snowing they could stay warm and dry under there. In the winter they would hang out there, play in the snow and warm up under the pavilion. This past summer they would use it as a shaded area to just socialize with their friends, and do things that little girls do. I kindly ask you to reconsider your position on this pavilion and allow it to remain. The kids in our community were isolated for so long, this gave them a place to see friends when there were no other places to go. I feel we as a Americans live differently now and we've become a society where we socialize outdoors as much as possible for the safety and well-being of others.

I appreciate your consideration of this matter

A handwritten signature in black ink, appearing to read 'Samir Patel', with a stylized, cursive script.

Samir Patel

To Whom It May Concern:

I recently moved into the home at 295 Elm Street about a month ago. Part of my backyard backs up to their backyard. It has come to my attention that the covered space at 298 Oak Street is not compliant with the village. I truly do not understand why this is the case. They have a beautiful back yard and I frequently see young kids from Elm street cutting through the backyard and hanging out under the covered area of this backyard. It's refreshing to hear the sound of kids outside playing especially after we've all been cooped up and isolated for the last 18 months. I also see small groups of older kids outside. I would've loved to have a place like this when I was a teenager. It must be a wonderful feeling for this family to know where their kids are on Friday and Saturday nights. Given the current way we live, I do hope that you will reconsider and allow the residents of this home to keep their covered area. It seems to benefit several children in the neighborhood and allows them to be together, and be social. Outdoors seems to be the new way of being social and safe at the same time and this covered space allows them to do just that in almost any weather condition.

Sincerely

Steven Hollon



295 Elm Street
Glen Ellyn, IL 60137

To Whom It May Concern:

I'm writing to you in regards to the backyard of 298 Oak Street. It has come to our attention that the roofed space was done without a permit. With the COVID 19 pandemic we as a society are forced to socialize outside. I see no issue with these homeowners keeping this space as it is currently. The occupants of this home have 4 children, one of them being immune compromised. I can see why they did this given the current pandemic. I have 2 teenagers myself and this pandemic has been very hard on them. I'm sure this was an outlet for the kids to deal with the social isolation. Although my property does not come into contact with this property, we can see into their backyard from our backyard. It is aesthetically pleasing and looks much better than any alternative. I do not know what if any alternative they have to a covered space. The kids I see back there are very considerate of the neighbors. I also see several younger kids use this space. It would be a shame for these children to lose this awesome spot. Please take the family, the kids, and the neighborhood into consideration when reviewing this matter.

Sincerely

A handwritten signature in cursive script, appearing to read "Karen O'Reilly".

Karen O'Reilly
289 Elm Street
Glen Ellyn IL 60137

October 23, 2021

Glen Ellyn Planning Board-

We wanted to share our support for the pavilion in the Wallace's backyard at ²⁹⁸xxx Oak.

This structure has provided a relief to the neighborhood kids from some of the hardships that Covid has placed on these kids. It provides a space they can safely gather regardless of most weather conditions and get to experience some of the simple joys of childhood - playing with neighborhood kids - without needing to worry about Covid. Beyond this pandemic, this structure will continue to be a gathering space for the neighborhood. Our daughters have all enjoyed using the space and we are grateful for this addition to our neighborhood.

Sincerely,



Jessica & Mike Powell

²⁸⁷
~~220~~ Oak Street

To Whom it May Concern,

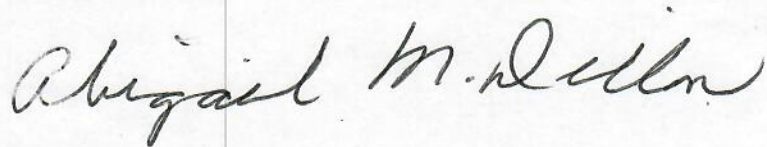
I am writing this letter to request approval of a variance to the roofed outdoor structure at 298 Oak Street in Glen Ellyn. I am 77 yrs old and have severe COPD and am immunocompromised. I am currently receiving IVIG therapy. Since COVID started I am only able to visit family and friends outside. Without this space I would not be able to see my kids, grandkids or my friends. This area allows me to see friends and family approximately 10 months out of the year. It would cause me great mental hardship to me and my family to not be able to have this covered space. I would not be able to see my family during holidays or the cooler months if this covered area was not available.

Thank you so much for your consideration. Please feel free to reach out with any questions.

Sincerely,

Gail Dillon

773-428-2598

A handwritten signature in cursive script that reads "Abigail M. Dillon". The signature is written in dark ink and is positioned below the printed name and phone number.

Egan Foley
132 Derby Glen Drive

To Whom It May Concern:

Lockdown, no in-school learning and virtually every place for teenagers to go was closed to the public. As a teenager there was very little for me and my friends to do for months. My mind was going crazy. Instead of getting into trouble and bothering people around town, last winter and through 2021 we were able to stay safe, and be together under Wallace's pavilion. We would watch movies, sports, and play games, anything to keep us entertained. All of this without leaving the backyard. Not only did this keep us safe during the pandemic, this brought us together as friends. It was a place for us to be ourselves, something that would always be there for us to unwind. The ability to bond with my friends should not be taken away. The pavilion is a harmless place for gatherings and it only brings people together. Please reconsider and allow the Wallace's pavilion to stay intact as it is currently. This continues to be our safe place to be together regardless if its raining, snowing, or super hot outside.

Thank you in advance for your consideration,



Egan Foley

Andrew Dauksas
1045 crescent BLVD

To Whom It May Concern:

During COVID I couldn't do anything inside with my friends because the virus came out and no one knew how dangerous it was so everyone stayed home. Joey Wallace's covered patio area helped solve that problem with us being outside all the time and being able to hang out and have fun again. We watched movies, sports, and TV shows and just talked each other to help us through the new virus. Since it was the only place to go outside we spent a lot of time under the roofed area with each other. We were out there having fun and doing stuff together again. Joey's covered patio taught us to cherish the moments we got to spend together and showed us how we used to take those moments for granted. Joey's patio isn't just a patio, it's a place that brought us together during an unknown and tough period of time, when the only thing we could do was be outside regardless of weather. His patio is a representation of taking a bad situation and making it better. It is a monument that portrays a period in time that will be remembered for centuries. I do hope you will take into consideration how this will affect numerous people, not just the Wallace's. Please allow their patio to remain as it is currently.

Sincerely

Andrew Dauksas
Andrew Dauksas

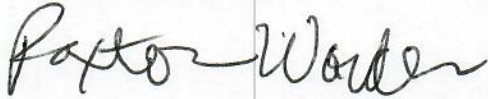
Dear Village,

I am a good friend of one of the
Wallace sons and I wanted to express
how much the Porch has gave us
somewhere to bond and hangout. It gives
us an area away from their family
and outdoors to relax, talk and spend
time together. We only spend time out
there when we hangout at the wallace's.
It's something we wouldn't have the friends we
and memories we do without it.

Graham Pierce
871 Colcord Pl

Hello, I'm a friend of Joey Wallace and his outdoor porch really helped us collaborate and take our mind off things during coronavirus. If we wouldn't have been at the cover over the top those good times would've been ruined and that hard time would've been a lot more difficult to get through. During coronavirus many people were stressed and needed a calm place to hangout at. All in all this porch has been very important and effective during the time of all the coronavirus struggles.

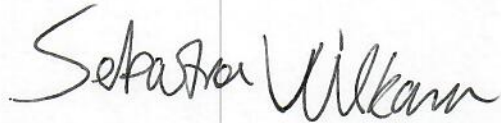
Paxton Warden
675 Western Avenue

A handwritten signature in black ink that reads "Paxton Warden". The signature is written in a cursive, flowing style with a long horizontal line extending from the end of the name.

Over the years, I've been good friends with the Wallace Family. To hear about the overhead roof in the backyard being at risk of being taken down hurts. During COVID, it was one of our only spots we could hang out as a friend group, being that it was outside. Rather than staying home throughout the whole of COVID, this allowed us to have even the slightest bit of freedom. The hospitality the Wallaces have given our friend group throughout the years shows the kindness of their family.

Sincerely,

Sebastian Vilkama 1554 Glencoe Street

A handwritten signature in black ink that reads "Sebastian Vilkama". The script is cursive and fluid, with the first name and last name clearly legible.

I've heard the Wallace's might have to take down their covered porch. This makes me so sad because it is a great place to gather especially during covid-19. This place was a great way to gather with my friends when we couldn't go inside. Even if it was raining, we had a place to talk and catch up. The Wallace's covered porch is very nice, and a welcoming place for everyone to come and enjoy some snacks while watching a movie. If the covered porch has to be taken down, then not only the Wallaces will be sad, all of their family and friends will be sad as well. I'd love to have the porch stay because of all the fun times we had, and there are more to come!

Nora Janninich

250 Forest Ave.

Glen Ellyn, IL

10/25/21

To Whom It May Concern

Over the past eight months I have enjoyed hanging out with my friend Molly in her new backyard space. During the past eight months we have had a lot of covid restrictions so it was a perfect spot to hangout. It provided warmth during the cooler months and we were also looked after by trusted adults in a safe place. Because of the limited school days and sport opportunities being to get together with my friends at Molly's was a huge advantage.

Mr. and Mrs. Wallace have always been very welcoming and generous to both their friends and their children's friends. Their new backyard space allows for even more time together with friends in a safe and healthy way.

Sincerely,

Julia Holter

Glen Ellyn Board Members, Please reconsider your position, here's why.

My name is Griffin Kammes and I am a sophomore at Glenbard West High School. To say my life as a St. Petronille Charger ended in an extreme way would be an understatement. Who would have thought how things would play out moving forward from March 13, 2020. That was my last day of school as I knew it. My last day of normalcy. My last day of full week, IN person schooling for a year!! From that date it wasn't just in person schooling that changed but sports/extra curricular activities and seeing friends.

My Papa was diagnosed with Stage 4 Esophageal Cancer in August 2019. The pandemic didn't just put him in quarantine but many times him and my Grandma were in complete isolation to stay safe. My family decided that in order to spend his last months with him we too needed to use extreme caution when living through a pandemic. Not having school or sports or the ability to see friends freely became very depressing. I was not in a good place.

Enter the Wallace's!!

My house as well as other friends houses gave us the ability to hang out outside, shooting hoops or chillin on our decks or patios. However, the Wallace's house was so much more. We had access to everything we would in a basement but outside - spread out! We did this in the rain and even cold temps by wearing hats and coats. Usually you would think that would annoy someone but when your only option to see friends is if you're outside then wearing an extra layer and watching the football game under heaters is the best thing ever. I appreciate the Wallace's changing their original plans and providing a place for us to hang out socially and even do remote learning school projects, all while not imposing on their homes from the inside. Most recently I was able to spend my first homecoming experience under their pavilion. Freshman year was cancelled. Sophomore year had restrictions placed on the dance but only AFTER many of us had already asked our dates. The Wallace's allowed a group of us with non Glenbard West dates to hangout and watch a movie and enjoy some snacks... while it was raining!!! It was so great! Again, something we could not do if we weren't under a roof. Please take the time to see all the pro's we've experienced from this outdoor space and allow my friend's family to keep it as is!

Thank you

Griffin Kammes

Griffin Kammes
333 Prospect Avenue
Glen Ellyn, IL 60137

To Whom it May Concern

The covered area at the Wallace's house means a lot to me because it gives me a place to see my friends safely. Over the cooler months there is no real way to safely hang out, especially last year as everything was closed. There was no school, there were not sports. There was nothing. Mentally I was not in a good place. I was invited to watch the superbowl at my friend Ryan's house and that was exactly what I needed. I needed to be social and see my friends who many I had not seen in a long time. The Wallace's covered space gave us a chance to see each other while staying warm, and still be safe. It would be devastating not only to the Wallace's but also to me and my friends if we lost this outdoor covered space. This year it rained on Homecoming. We were supposed to go to my house as we have a pool after the dance. Since it was raining, there was no other outdoor space for us to hang out. The Wallace's welcomed us to hang out in their back yard under the covered area. I'm very thankful that we have this area to hang out in year around. It's great to be able to get together with friends especially during Covid because we all need to see friends. Being with friends is just good for everyone. I do hope you all reconsider and allow the Wallace's to keep this covered space

Jack Anderson

Sophomore at Glenbard West
654 Euclid Ave Glen Ellyn

Jack Anderson

10/20/2021

To the Village of Glen Ellyn:

The Wallace's patio helped me through COVID because it gave my friends and I a place to hang out outside when nothing was open. Covid was really hard not being able to be with friends. My parents did not allow me to go in anyones house. I see my grandparents frequently and with so much uncertainty I was only allowed to socialize outside. The patio allowed us to hangout while being socially distanced. The patio having a roofed area has allowed us to hangout in the rain, snow and even the cold because of the heaters. This covering on the patio is ultimately what allowed me to stay as close to normal as possible during Covid. It was a really rough time for me with no school, no sports and nothing being open. I was tired of hanging out with my 2 younger sisters. Being in this space really was a happy time for me. It has brought us closer as friends through watching football and hanging out under the roofed area. The Wallace family is also always very happy to host me and I appreciate that. They open their patio and pavilion to friends and family at all times. I would be devastated if I lost this space to see my friends. Please allow this area to stay like it is now.

Sincerely,

A handwritten signature in black ink that reads "Will Sweinsberger". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Will Sweinsberger
1824 Wakeman Ct, Wheaton

January 31, 2022

To whom it may concern -

I am writing this letter regarding the property located at 298 Oak Street which is occupied by the Wallace Family. It was brought to my attention that the Village of Glen Ellyn is considering having the Wallace's remove an outdoor structure in their backyard. While our property is not adjacent to the property in question, I am familiar with the home and the new outdoor living space.

The Wallace Family prides themselves on carefully maintaining their property. I walk my dog by their home everyday and admire how much care & effort they put into it.

The structure is only 1.2% over the lot to roof ratio. That small ratio seems insignificant in my opinion. It would be a shame if the Wallace family had to remove the structure. I know family & friends enjoy using the space, and it was beautifully constructed to aesthetically enhance their outdoor living space.

I hope the Village does the right thing and allows the Wallace Family to keep their beautiful outdoor space intact.

Thank you for your consideration,

Jim & Patti Campanella

323 Elm Street, Glen Ellyn



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

Meeting 2/28/2022 7:00 PM
Department: Community Development
Department Head: Staci Springer
Category: Ordinance
Prepared By: Taylor Gendel

AGENDA ITEM (ID
2022-1934)

DOC ID: 2022-1934

Ordinance No. 6945, An Ordinance Approving a Zoning Variation from the Maximum Permitted Lot Coverage Ratio for a Single-Family Dwelling on the Property Located at 737 Forest Avenue

Statement of the Issue:

The petitioner Ray Whalen, owner of the property at 737 Forest Avenue, is requesting approval of a zoning variation for construction of a new single-family residence which would result in a lot coverage ratio of approximately 26% for the property at 737 Forest Avenue where a maximum 20% lot coverage ratio for two story single-family dwellings is allowed in the R2 Residential District.

Analysis:

Background

This variation request to exceed the maximum lot coverage ratio is due to the fact that there are two large Oak trees on the property that the builder would like to preserve. Because of the placement of the trees, he is unable to build a new detached garage in the rear yard. Mr. Whalen has indicated that he can construct a code compliant home with a detached garage, but the large Oak trees would have to be removed. What he is proposing instead is to construct the same square footage on the lot as would be permitted if he were getting the detached garage bonus (500 square feet). The lot coverage ratio would be 26% where 20% is allowed, however, the actual square footage of building coverage on the lot would be the same in either case.

The petitioner is willing to attach the garage to the home to save the Oak trees (forgoing the detached garage bonus) but would like to be able to build the same square footage in the home. He does anticipate the home would have a front porch and he would benefit from the lot coverage bonus of 240 square feet for that improvement. The petitioner has indicated that the proposed home would meet all other requirements of the Zoning Code.

The petitioner appeared before the ZBA on December 14, 2021, to request informal feedback about the proposed project (meeting minutes attached). Only four members of the ZBA were present at the meeting. It was requested that the petitioner return with some analysis on the health of the Oak trees. The ZBA generally seemed in favor of granting the variation in order to save the trees.

Upon formal submittal of his application for a Zoning Variation, the petitioner submitted a tree survey and analysis, providing the requested information about the health of the Oak trees (attached). Oak trees #14 and #16 would be saved if a detached garage were not reconstructed on the property. They have been evaluated to be in "fair" condition.

According to a memo from the Village's consulting arborist (attached), the trees, specifically #14 and #16 would do best if the existing detached garage was demoed without being rebuilt. Trees #14 and #16 are approximately two feet from the current structure and it is likely they have adjusted to the current structure; roots likely have grown around it and would be minimally disturbed by removal. A new structure would likely cause more ground disturbance and the need for root pruning, especially if the size of the detached garage were to change. The Village's consultant agreed with the determination that the trees are in fair condition. She also recommends not removing trees #4 or #8 as they are also significant species. This may require changing the plans for the screened porch and the driveway footprint.

Public Hearing Summary

At the February 1, 2022 public hearing, the ZBA reviewed the existing conditions of the property, the property history, the amount of lot coverage requiring a variation and considered the testimony from the petitioner. The owners of properties within 350 feet of the subject property were mailed notice of the public hearing. One neighbor that was sent public notice attended the hearing to speak against the request. One letter of opposition and two letters of support were read into the record at the public hearing. It was noted that some letters from neighbors were received in advance of the meeting and included in the Commissioner's packets so these were not read into the record.

The Commissioners discussed the following: the property's proposed decrease in amount of impervious surface, the essential character of the neighborhood that would be maintained with the preservation of the Oak trees, the request of the neighbor to the east to preserve the Oak trees and remove the unsightly detached garage, and the unique angle of the lot which would make the design of a new detached garage challenging. Commissioners that expressed apprehension with granting the variance were concerned about allowing a lot coverage ratio above 25 percent, and the precedent that might set.

The ZBA found that the following hardships or unique circumstances applied to this request: that granting of the zoning variation would present the opportunity to preserve mature Oak trees on the property, that the zoning variation would present the opportunity to improve drainage issues on the property (more open space, less impervious area), and that the variation would allow for a comparable lot coverage to what would be allowed if the petitioner were to construct a new detached garage and claim the lot coverage bonus.

Recommendation

At the public hearing on February 1, 2022, the ZBA voted on a motion to recommend approval of the requested zoning variation, with one condition: that the project shall be constructed in substantial conformance with the plans as submitted and the testimony presented at the public hearing of the Zoning Board of Appeals. This motion carried with four (4) yes votes and three (3) no votes. In accordance with this recommendation for approval, staff has prepared an ordinance to approve the requested variation.

Budget Impact:

N/A

Action Requested:

The Village Board should consider the petitioner's request, the recommendation offered by the

ZBA, and any further evidence or testimony presented at the Village Board Meeting and grant, deny or amend the requested variation.

Attachments:

1. 1. 737 Forest - LCR - Draft Ordinance 6945
2. 2. Aerial Photograph of site and surrounding properties
3. 3. Petitioner's Application Packet Received 1.5.22
4. 4. Draft Minutes from December 14, 2021 ZBA Meeting
5. 5. Letter of support from HPC chairperson
6. 6. Letters from Neighbors
7. 7. Exhibit A – Draft Minutes of February 1, 2022, ZBA Meeting
8. 8. Exhibit B - Site Plan Received 12.30.21 737 Forest
9. 9. Exhibit C – Tree Analysis Submitted January 6, 2022
10. 10. Tree Analysis by Village Arborist



Village of Glen Ellyn

Ordinance No. 6945

An Ordinance Approving a
Zoning Variation from the
Maximum Permitted Lot Coverage Ratio
for a Single-Family Dwelling on the Property Located at
737 Forest Avenue
Glen Ellyn, IL 60137

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

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

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

Ordinance No. 6945

**An Ordinance Approving a
Zoning Variation from the
Maximum Permitted Lot Coverage Ratio
for a Single-Family Dwelling on the Property Located at
737 Forest Avenue
Glen Ellyn, IL 60137**

Whereas, Ray Whalen, owner of the property located at 737 Forest Avenue, Glen Ellyn, Illinois, which is legally described as follows:

THE NORTHERLY 50 FEET OF THE SOUTHERLY 100 FEET (AS MEASURED ON THE EAST AND WEST LINES) OF LOT 6 IN BLOCK 18 IN GLEN ELLYN ADDITION TO PROSPECT PARK, A SUBDIVISION OF PART OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 11, 1890 AS DOCUMENT 42867, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-11-112-003

has petitioned the President and Board of Trustees of the Village of Glen Ellyn for a zoning variation from Section 10-4-8(E)(1) of the Glen Ellyn Zoning Code to allow a lot coverage of 26 percent where a maximum permitted lot coverage of 20 percent is permitted, to allow the construction of a new single-family home with an attached garage on the property herein described above, in the R2 Residential District; and

Whereas, following due notice by publication in the Daily Herald not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all property owners within 250 feet of the subject property at least ten (10) days prior thereto, the Glen Ellyn Zoning Board of Appeals conducted a public hearing on February 1, 2022, at which the petitioner presented evidence, testimony, and exhibits in support of the request for the zoning variation and zero (0) persons appeared in favor of the request and one (1) person appeared in opposition thereto; and

Whereas, included in the evidence presented to the Village Board, the owners of four (4)

properties adjacent to the subject property, each wrote a letter in opposition to the request for the zoning variation, and the owners of three (3) properties adjacent to the subject property each wrote a letter in support of the request for the zoning variation; and

Whereas, based upon the evidence, testimony, and exhibits presented at the public hearing on February 1, 2022, the Zoning Board of Appeals adopted findings of fact and voted on a motion to recommend approval of the variation from Section 10-4-8(E)(1) to allow a lot coverage of 26 percent where a maximum lot coverage of 20 percent is permitted, to allow the construction of a new single-family home with an attached garage on the subject property, which carried by a vote of four (4) “yes” and three (3) “no”, resulting in a recommendation for approval as set forth in its Draft Minutes dated February 1, 2022, appended hereto as Exhibit "A"; and

Whereas, the President and Board of Trustees have reviewed the Draft Minutes of the February 1, 2022 Zoning Board of Appeals public hearing, attached hereto as Exhibit “A” and the evidence presented at the February 1, 2022 Zoning Board of Appeals public hearing and have considered the findings of fact and recommendations of the Zoning Board of Appeals; and

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

- A. That an unique circumstance exists, being that granting of the zoning variation would present the opportunity to preserve two mature Oak trees on the property, that the zoning variation would present the opportunity to improve drainage issues on the property and the neighboring properties, and that the variation would allow for a comparable lot coverage to what would be allowed if the petitioner were to construct a new detached garage and claim the lot coverage bonus; and
- B. That the zoning variation, if granted, will not alter the essential character of the locality as it will preserve two historic Oak trees; and
- C. That the purpose of the zoning variation is not based exclusively upon a desire to make

- more money out of the property since the petitioner explicitly stated that the choice to pursue a variation would increase construction costs in order to preserve the Oak trees; and
- D. That the zoning variation will not be detrimental to the public comfort, morals, and welfare or injurious to other property or improvements in the neighborhood in which the property is located since the attached garage will decrease the total amount of impervious surface on the subject property; and
 - E. That the zoning variation will not substantially increase the hazard from fire or other dangers to said property and not otherwise impair the public health, safety, or general welfare of the inhabitants of the Village since the new home will be constructed to meet all requirements of the building and fire codes; and
 - F. That the zoning variation will not diminish or impair property values within the neighborhood; and
 - G. That the zoning variation will not unduly increase traffic congestion in the public streets and highways, as the traffic pattern on site will not be changed; and
 - H. That the zoning variation will not result in an increase in public expenditures or create a nuisance since the variation is to allow the construction of a single-family home for residential use in a residential zoning district; and
 - I. That the zoning variation is the minimum variation that will make possible the reasonable use of the land, building or structure because the request is equivalent in square footage coverage of the lot to what is permitted currently in the zoning code for a home with a 20 percent lot coverage ratio and a detached garage; and

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

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

Section One: The Draft Minutes of the February 1, 2022 Glen Ellyn Zoning Board of Appeals meeting, Exhibit "A" appended hereto, are hereby accepted, and the findings of fact and conclusions set forth in the preambles above are hereby adopted as the findings of fact and conclusions of the corporate authorities of the Village of Glen Ellyn.

Section Two: Based upon the above findings of fact, the President and Board of Trustees hereby approve the zoning variation from Section 10-4-8(E)(1) of the Glen Ellyn Zoning Code to allow a lot coverage of 26 percent where a maximum lot coverage of 20 percent is permitted, to allow the construction of a new single-family home with an attached garage on the property at 737 Forest Avenue, Glen Ellyn, Illinois, which is legally described as follows:

THE NORTHERLY 50 FEET OF THE SOUTHERLY 100 FEET (AS MEASURED ON THE EAST AND WEST LINES) OF LOT 6 IN BLOCK 18 IN GLEN ELLYN ADDITION TO PROSPECT PARK, A SUBDIVISION OF PART OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 11, 1890 AS DOCUMENT 42867, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-11-112-003

Section Three: The granting of the zoning variation is subject to the following conditions: That the project shall be constructed in substantial conformance with the plans as submitted and the testimony presented at the February 1, 2022 public hearing of the Zoning Board of Appeals including the following plans and documents referenced below, all of which are incorporated into this Ordinance as though they were attached hereto:

1. The petitioner's application packet, dated January 5, 2022
2. Site plan, dated December 30, 2021 and attached hereto as Exhibit "B"
3. Tree Survey and Analysis, dated January 6, 2022 and prepared by Davey Tree Expert Company and attached hereto as Exhibit "C".

Section Four: The Building and Zoning Official is hereby authorized and directed to issue building permits for the subject property, consistent with the variation granted herein, provided that all conditions set forth hereinabove have been met and that the proposed project is in compliance with all other applicable laws and ordinances. This granting of a variation shall expire and become null and void twenty-four (24) months from the date of passage of this Ordinance unless a building permit to begin construction in reliance on the variation is applied for within said twenty-four (24)-month time period and construction is continuously and vigorously pursued provided, however, the Village Board, by motion, may extend the period during which permit application, construction, and completion shall take place.

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

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

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

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

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

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

Village President of the
Village of Glen Ellyn, Illinois

Attest:

Village Clerk of the
Village of Glen Ellyn, Illinois

AFFIX VILLAGE SEAL

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



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ft

Print Date: 12/29/2021

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.

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

APPLICATION FOR VARIATION

For the property at _____ 737 Forest Avenue _____ Glen Ellyn, IL 60137

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

You may attach separate sheets of paper 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: _____ Ray Whalen Builders, Inc. _____

Address: _____ P.O. Box 3380, Glen Ellyn, Illinois 60138-3380 _____

Home Phone No.: (630) 858-3300 _____ Cell Phone No.: _____

Fax No.: _____ Not applicable _____

E-mail: _____ rwhalenbuilders@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):

Applicant

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

--

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

YES

NO

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

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

YES

NO

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

III. PROPERTY INFORMATION:

Common address: 737 Forest Avenue, Glen Ellyn, Illinois 60137

Permanent tax index number: 05-11-112-003

Legal description:

The Northernly 50.0 feet of the Southernly 100 feet as (measured on the East and West lines) of Lot 6 in block 18 in Glen Ellyn Addition to Prospect Park, being a subdivision in Section 11, Township 39, North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1890 as document 42867, in Dupage, Illinois.

Zoning classification: Residential

Lot size: 50.0 ft. x 164.90 ft. Area: 8048 sq. ft.

Present use:

Single Family Residence

IV. INFORMATION REGARDING THE VARIATION(S) REQUESTED:

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

Lot Coverage Ratio 10-4-8(E) 1

1. Section 10-4-8(E) 1 to allow the construction of a new single-family home with an attached garage, which will result in a lot coverage of 26%, in lieu of the maximum permitted 20% lot coverage for a two-story home in the R2 Residential 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.

Estimated date to begin construction: Spring 2022

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

Dan Marshall, Marshall Architects, 812 E. Main Street, Suite 101, St. Charles, Illinois 60174
Ray Ulreich, Taurus Engineering, L.L.C., 5N557 Route 59, Bartlett, Illinois 60103

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:

In order to save several large heritage Oak trees due to their placement on the lot and constructing a single family home commensurate with marketplace demands on this property, a lot coverage ratio variation is required.

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):

I wish to save several large heritage Oak trees and without a lot coverage ratio variation combining the permitted LCR (1609.6) and detached garage bonus (500 sq. ft.) to the new home. The new home would not meet today's desired features and scale for current market standards. Removing the heritage Oak trees could change the character of the neighborhood.

OR

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

Large heritage Oak trees are prevalent in this particular area of town and the particular locations and scale of these trees on this lot present unique circumstances with regarding to the construction of a new home on this property. I wish to maintain the large oaks in appreciation of how integral they are to this neighborhood.

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

In absence of the approval of the variation, many of these heritage Oaks will need to be removed. This action will alter the essential character of the locality of the property. If the variation is granted, the trees will remain which effectively serves to maintains the essential character of this property and neighborhood. Likewise, the neighbors to the rear yard do not wish to see a detached garage constructed proximal to their back yard which abuts the rear yard of 737 Forest Avenue.

- 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 location and scale of the existing heritage Oak trees present a significant hardship which impacts the construction of a new single family home. I wish to maintain the large heritage Oak trees to honor the character of the locality and improve the resultant green space of this property. The impervious surface area is likewise positively impacted.

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:

There are very few if any properties with similar size heritage Oak trees and placement on the property.

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:

Requesting the variation actually increase the construction costs with designing a new home plan and delay in applying for permit to construction here are very few if any properties with similar size heritage Oak trees and placement on the property.

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

The heritage Oak trees were planted prior to construction of the existing home.

5. Provide evidence that the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property in question is located.

Granting the variation will keep the character of the neighborhood by saving the heritage Oak trees.

6. Provide evidence that the proposed variation will not:

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

The new home will meet all of the building and zoning codes for the Village of Glen Ellyn.

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

The new home will have a fire sprinkler system.

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

The construction of a new home will not otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village of Glen Ellyn.

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

Granting this variation may increase the property values in the area.

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

There will be no unduly increased traffic generated in the public streets and highway.

- f. Create a nuisance; or

No nuisance will be created by a new home being built that meets today's building codes.

- g. Results in an increase in public expenditures.

No public expenditures will be increased with the construction of a new home.

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

The request is what is permitted currently in the zoning code with a 20% LCR and garage bonus. No additional LCR to the maximum permitted is being requested.

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

A. Impervious surface will be reduced by approximately 1201 sq. feet or 67% less for a front load garage versus a detached garage in the rear yard.

B. Not having a driveway along the South lot line 1' off of the property line will provide more green space for trees on the property and the property to the South.

C. The Historical Commission support the variation request.

D. The neighbors to the east whose backyard abuts this property do not want a detached garage to be built.

VI. CERTIFICATIONS, CONSENT AND SIGNATURE(S)

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

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

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

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

January 5, 2022

Ray Whalen Builders, Inc.
By: Raymond J. Whalen, President



Date

Print Name

Signature of Applicant

Date

Print Name

Signature of Applicant

Date

Print Name

Signature of Applicant

**DRAFT MINUTES
ZONING BOARD OF APPEALS MEETING
December 14, 2021**

Call to Order and Roll Call

The meeting was called to order at 7:02 p.m. by Board Chairperson Greg Constantino, who explained the function of the Zoning Board of Appeals (ZBA) and the procedure for making determinations about matters brought before it.

Roll was called. Present: Chairperson Constantino and Board Members Matthew Jones, Michelle Covington and Reed Panther. Absent: Katie Crudele, Chip Miller, Thomas Whalls and Maggie Wachter.

Chairperson Constantino went over protocol, saying the meeting is being recorded, and introduced Village Planning Manager Kelly Purvis, Village Planning Intern Josh Hankins, Board of Trustees Liaison Anne Gould, and Recording Secretary Barb Dutton.

Approval of Meeting Minutes

Following a motion by Michelle Covington, seconded by Matthew Jones, to approve the draft minutes of the November 9, 2021, the motion carried by voice vote.

Public Comments - Non-Agenda Items

Builder Ray Whelan, 177 Sunset Ave., Glen Ellyn, requested direction from the ZBA regarding a property he purchased and intends to redevelop into a single-family residence. The 50 ft. x 165 ft. lot, he said, is located at 737 Forest. He related that he is working with an architect to design a four-square-style home of two stories (excepting above the screened porch) for the property, which he said contains several large-caliper Oak trees, at least five or six of which he would need to remove if he constructs a detached garage. Besides wishing to avoid the cost of removing the trees – estimated to be about \$35K – Mr. Whelan said he would like to save the trees by combining the square footage of the home – 1,600 SF – with the 500SF bonus for a detached garage to build a house not to exceed 2,100SF. He related that he is building a house on a lot next door, and said that the neighbor to the rear prefers a detached garage not be built in the back of the subject property, as they value the natural space. While he doesn't think he has a hardship, he said he believes he has a unique circumstance. He'd like to move forward in early spring, but is reluctant to incur expenditure without a response to his proposal (which would reduce impervious surface by having a reduced driveway size). Chairperson Constantino asked the lot coverage ratio (LCR) anticipated by Mr. Whelan, who responded 26 percent – the same square footage regardless of either garage option.

Discussion of the 500 square foot bonus for a detached garage ensued, with Mr. Whelan asking to put the bonus into the house, saying he would impose a condition to prevent a larger structure on the lot in the future. Without the consideration, he maintained, there's "not enough house for what he paid for the property" should he keep the trees. Board Member Jones asked Mr. Whelan whether he would have a ridge height, to which the builder replied that everything else would be Code complaint, perceiving lot coverage to be the only issue. Member Jones said he would have to see the entire package before voting one way or another, but would prefer an LCR closer to 22 or 23 – not one more than 25. Chairperson Constantino said he would like to see an LCR closer to the 20 limitation, but recognized two compelling

arguments in favor of a variance: saving beautiful trees, and the fact that a detached garage would result in the same overall square footage on the property.

The Chairperson conveyed that assuming there are no other drainage issues, he might be leaning toward granting a variation. He, too, said he'd like to see the whole proposal, adding that the Board can't speak for absent members. Board Member Covington expressed that she is uncomfortable with a LCR over 25, and that she would prefer to try to save the Oaks and attach the garage, as she thinks cutting down Oak trees would devalue the property. If there are no other water run-off issues or problems associated with attaching the garage, she said, she would probably be for it. Mr. Panther said he largely concurred, expressing support for saving the trees. Mr. Whelan asked if there would be objection to him seeking opinion from a higher level, citing uniqueness of the case, given the existing trees. He related that there is a problem with Oaks that could potentially cause a loss of half of those at Lake Ellyn if a disease identified attacks them. Board Member Jones recommended that Mr. Whelan talk to the Village Board members to see where they stand, as the ZBA is only a recommending body. Mr. Jones said he'd like to see what Mr. Whelan could build to Code and what he would need to have a functional house for today and what is being built in future. Mr. Jones said he would also like a tree expert to analyze the Oaks to determine how much life is left in the trees, and whether or not they are healthy, before moving ahead. A floor plan of the house design was displayed, and Mr. Whelan said that while he wouldn't build over the screened porch, he would build over the garage. He reiterated that he thinks it's worth saving the trees.

Public Hearing for 105 N. Main Street

A motion made by Board Member Jones, seconded by Board Member Panther, to open the Public Hearing concerning consideration of a zoning variation for 105 N. Main Street passed upon voice vote.

Staff Presentation

Sworn in were Planning Intern Josh Hankins and Planning Manager Kelly Purvis, 535 Duane Street, Glen Ellyn. Intern Hankins explained that the Petitioner residing at 105 N. Main is seeking an interior side yard setback variation to reconstruct and expand the current garage. Zoned R2 residential, he continued, the neighborhood also features the public pool, which carries the CR zoning designation. The legal non-conforming lot contains a house built in 1958 and the garage in 1959, he said of the subject property. Intern Hankins stated that the Village Engineer has no issues with the variation, as no new impervious surface would be introduced by the expansion proposed. Mr. Hankins related that the Petitioner had sought to repair the roof of the current 442SF garage, but when issues with the structure were discovered, decided to replace it with a new 506SF garage (a concept of which Mr. Hankins displayed) that would be expanded 1 ft. to the north toward the house and 2 ft. to the west, toward the street. He described the ZBA action sought, noting a recommendation that any new construction must comply with the dimension shown on the Plat of Survey/Site Plan.

Board Questions

Board Member Jones confirmed with Mr. Hankins that the issue is the really southwest corner being the issue; Mr. Hankins said it's almost compliant toward the east, but still a little bit off. Planning Manager Purvis interjected that it was determined that 4.7 ft. would be the required setback, saying it's 5 percent of the lot width. Chairperson Constantino asked for confirmation that the Applicant desires to remove the existing garage and replace it with a slightly larger one with 1 ft. extending north toward the house, causing an encroachment to the side yard. He perceived that a larger variation is created by the lot angles,

making the new footprint under consideration off by 1 ft. 5 in. He observed that the shallow nature of the lot doesn't allow placement elsewhere for a reasonable-size garage. Planning Manager Purvis pointed out an error in the Staff Report that indicates an additional 10-ft. encroachment, but which should read an 1.2 inch additional encroachment on the side yard for the expanded garage.

Petitioner's Presentation

Iwona Kapica, 105 N. Main St., Glen Ellyn, was sworn in. In response to the Chairperson asking her if she could demonstrate a hardship, she said that she needs help. She related that she and her husband bought the house a little more than a year ago and since has worked to renovate it. The homeowner, according to her account of the case, replaced the roof of the house, and then wanted to move on to replacing the roof of the garage, which she said, was determined by the roofing company to be in bad shape. Subsequent evaluation by a contractor found the front left corner of the foundation to be sinking, she stated, causing the floor to crack beyond repair. Further the roof is bowing middle, she said, explaining that it was established that she needs to build a new structure. She continued by saying that she met with Village Staff, and was told that the current garage is non-conformation, but is no other place to put one because of the shape of the lot. She said she would like to extend the garage "a little bit" toward the house, so that two cars can be comfortably parked in the garage. She said she is seeking permission to construct a new structure, and that she wants to build a garage that is safe, suits her family and is "nice to look at. I want to be proud when I pull up to it," she added. Ms. Kapica held up a document that she stated was a letter from her roofing contractor explaining why he suggested she should build a new structure; Ms. Kapica conveyed that he deemed the existing one unsafe.

Board Member Jones asked the Applicant if she intended to use a contractor to build the new garage. Ms. Kapica replied, "Yes," and expressed appreciation of her neighbor to the south (who was present) who she said indicated he doesn't mind the structure being built in the existing location. Chairperson Constantino asked if the Village has heard from any of the Petitioner's neighbors relative to the matter; the Petitioner responded she was informed it had not. Edward McNally, 99 N. Main, was sworn in. He stated that he has lived at this current address for the past 30 years, and said he has no problem with the variation being granted.

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

Deliberations

Noting pertinent dimensions, Board Member Jones declared that he is fine with the proposed garage, which he thinks is being built in the least obtrusive way to get a modern product. Board Member Covington said that the unique lot affords no other placement option for the homeowners, who she said need to rebuild a garage that can accommodate the vehicles of today. She added that she appreciates efforts the homeowners made in seeking the variance, of which she is in favor. Member Panther said he is in favor, as well, noting circumstances of the case. Chairperson Constantino stated that he, too, is in favor of recommending the granting of the variation, citing the limited location on the site in which to place the garage, safety concerns, and Mr. McNally's testimony.

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

Mr. Jones, seconded by Mr. Panther, moved for the following:

Having considered the application of Iwona Kapica, owner of the property located at 105 N. Main Street, Glen Ellyn, for the following zoning variation: from Section 10-5-4(A)4c to allow the reconstruction and expansion of a non-conforming garage to be approximately 3.26 feet from the side property line, where a side yard setback of 4.7 feet is required 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 December 14, 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 the Glen Ellyn Zoning Code due to the unique lot shape; the lot being a pie shape, rebuilding the garage to Code would be impractical and creates a hardship.

The motion carried by roll call vote as follows: Four (4) yes votes; Zero (0) no votes; Board Members Jones, Panther and Covington, and Chairperson Constantino all voted, "Yes."

Staff Report

Planning Manager Purvis said that a case concerning lot coverage variation request is slated for the January meeting, and that hopefully the February meeting will feature a report on construction-necessitated variations, in which Staff has seen a sizable increase. Board Member Jones inquired about the source of these variations. Ms. Purvis replied that while Staff has seen a number of things, in nearly all cases, the homeowner claims no knowledge of the issue. To address this, she said, Staff is planning to provide homeowners with hard copies of approved plans to promote awareness. Board Member Covington asked if there would be a recommendation of fees or penalties. Ms. Purvis replied that the fee is double for construction-necessitated variations, and said that the Village also charges a significant escrow, though a contractor fee change will be recommended. She listed other potential remedies.

Trustee's Report

Trustee Liaison Anne Gould related that the 333 Indian Drive recommendation passed, as did the Village Budget. She went on to report that Apex 400 apartment complex was back on the agenda, referencing a request regarding turnover of garage space. Trustee Gould said the topic if this building project in process included discussion of schedule extensions and financial impacts to the Village. She said that the builder wants to move the substantial completion date from February 2022 to July 2022.

Adjournment

Chairperson Constantino adjourned the meeting at 8:14 p.m., following a voice vote on a motion made by Board Member Jones, and seconded by Board Member Panther.

Respectfully submitted,

Barbara Dutton-Thomas
Recording Secretary

Taylor Gendel

From: Penn French <pennfrench13@gmail.com>
Sent: Tuesday, January 4, 2022 1:53 PM
To: Kelly Purvis; Taylor Gendel
Subject: Letter of Consideration to ZBA

[EXTERNAL EMAIL]

Kelly and Taylor,

This follows up on the group discussion during the Village's Historic Preservation Commission meeting I chaired on December 16 related to the proposed development of new construction for a single family home at 737 Forest Avenue in Glen Ellyn.

As you recall, during the Public Comment portion of the meeting, local home builder Ray Whalen attended the HPC meeting to share his goal of wanting to save a group of healthy legacy oak trees on the 737 Forest parcel as part of his proposed tear-down and new construction of a single family home.

His presentation at our meeting with accompanying photos was helpful for our group to understand the situation - that in order to save the group of healthy oaks, Mr. Whalen is willing to build a home with an attached garage. However, based on Village zoning codes, the new construction with an attached garage would be deemed to have exceeded the allowed lot coverage ratios based on how that is configured by the Village.

The reason he thought to attend the Historic Preservation Commission (HPC) meeting to share this opportunity with us is that he is aware that as part of the HPC charter (to safeguard the Village's distinctive character, history, cultural heritage and architectural integrity through historic preservation, planning and sensible growth) our commission considers trees, particularly older legacy trees, an important part of what defines the distinctive character of Glen Ellyn, especially since the Village has been designated as a Tree City USA member for 36 years.

The Tree City USA program, established in 1976, is sponsored by the Arbor Day Foundation in partnership with the U.S. Forest Service and the National Association of State Foresters. To be designated as a Tree City USA, communities must meet four core standards of sound urban forestry management: maintaining a tree board or department, having a community tree ordinance, spending at least \$2 per capita on urban forestry and celebrating Arbor Day.

Given personal property rights, it's rare that we get a home owner and/or a builder who is willing to provide options for their new construction in order to save trees. Typically, the trees, no matter how magnificent are often taken down to make way for a much larger home than what originally existed on the lot changing the character not only of the lot, but of the immediate neighborhood.

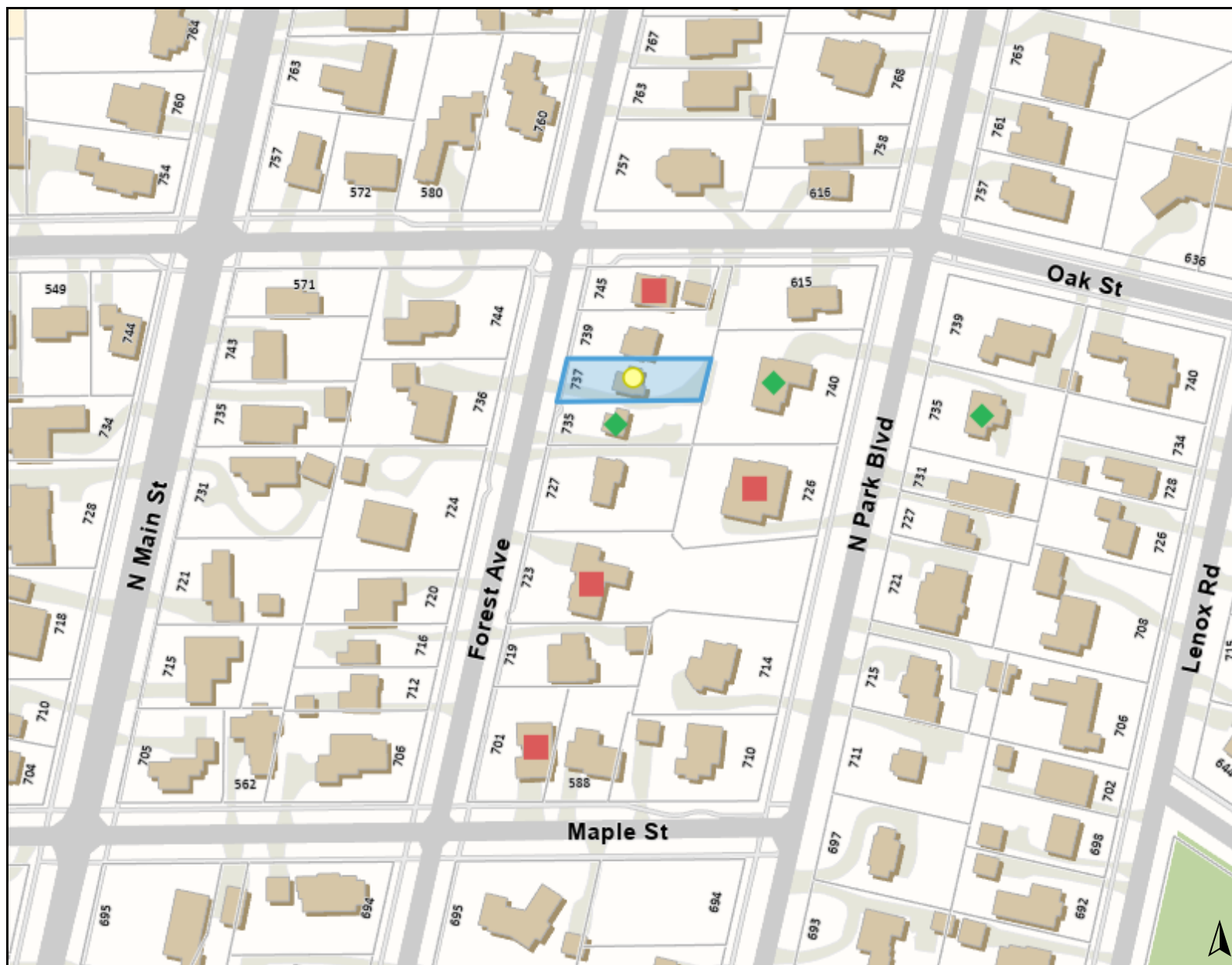
In view of Mr. Whalen's efforts to preserve this group of healthy oaks at 737 Forest, particularly in the Lake Ellyn area where oaks so define the character, our commission would respectfully ask the Zone Boarding of Appeals to consider allowing the lot coverage ratio variance in order for an attached garage to be built, thereby saving this healthy group of oaks.

If you could please forward this to the Chair of the ZBA, I would be most appreciative.

Respectfully,

Penn French

Chair, Historic Preservation Commission
Village of Glen Ellyn



Legend

Red Square = Letter
was sent in opposition

Green Diamond = Letter was sent in support

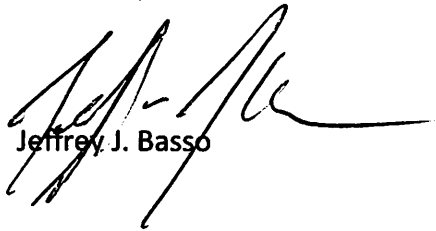
Print Date: 2/9/2022

Notes

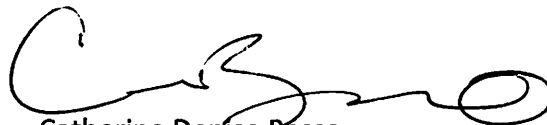
Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently 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.

To whom it may concern,

I Jeffrey J. Basso and Catherine Denise Basso object to the variance being requested by the builder for 737 Forest Ave. It is our understanding that that builder owns both 737 and 735 Forest Ave and should consider combining the lots if desiring to build a larger house. Each being less than 1/4 of an acre. We believe that the builder understood the limitations of the lot when purchasing it and should work to meet standard building codes set out by the city that are designed to protect curb appeal and protect the environmental aspects of the area. As a litmus test I believe that the town would not allow for a 100 by 100 lot to be split into two 50 by 100 lots and then exceed the building codes by 6% on either lot. The lots already look tight with smaller houses on them. We believe that the Glen Ellyn building codes should be followed as the city has outlined them in the best interest of preserving the area.



Jeffrey J. Basso



Catherine Denise Basso

1/11/22



Public Comment - ZBA

Village of Glen Ellyn

Submitted On:
January 13, 2022 9:06am
America/Chicago

Name	Stacey Zagortz
Organization	Home Owner
Email	staceyaz@gmail.com
Address	745 Forest Ave Glen Ellyn IL 60137
Meeting Date	February 08, 2022
Agenda Item or Subject	737 Forest Ave Variance Request
Comment	I would like to express my concerns of flooding/run-off with the proposed variance of 30% increased lot coverage. As the house at the bottom of a hill, our home has flooded multiple times from run-off caused by melting snow and rain. We have, at significant financial burden, remedied these problems. We oppose this measure. We would like the zoning committee to fully understand the drainage run-off implications and we want to understand what recourse we have with Village should the measure be approved and should we start to once again experience drainage issues.

Taylor Gendel

From: Barbara Chrisman <bjchrisman@mac.com>
Sent: Thursday, December 30, 2021 2:35 PM
To: Taylor Gendel
Subject: Re: Variance 737 Forest Ave

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL EMAIL]

Hi Taylor - Here are our thoughts about the variance request for 737 Forest. The variance request should be rejected. Great idea to keep the trees, but do it without needing a variance. The present house has a detached garage by the trees so it should be able to be replaced. Ray Whalen Builders, Inc., is not a newcomer to construction in the village and should have been aware of codes for the house design. This builder also owns the adjacent lot with house. Will he be asking for a variance to build on it too? The present houses are very similar, and both have unattached garages in the back yards.

As to the catch all language included in every public hearing notice, it seems like it gives carte blanche to whatever the builder wants. Why do we have specific zoning codes if we're always granting variances?!

Bruce and Barbara Chrisman
701 Forest Ave.
Glen Ellyn, IL

On Dec 28, 2021, at 11:56, Taylor Gendel <tgendel@glenellyn.org> wrote:

Hi all,

Thanks for your messages. You are all welcome to attend the Zoning Board of Appeals public hearing on January 11th at 7pm, however if you cannot attend, please send me a note via email in advance that will be read out loud into the record at the public hearing.

I will do my best here to answer some of your questions and am happy to set up a call if there is anything additional to explain.

This is a variation request to exceed the maximum lot coverage ratio due to the fact that there are several large oak trees that the builder would like to preserve. Because of the placement of the trees, he is unable to build a new detached garage (which our code provides a lot coverage bonus of 500 square feet for). The extra lot coverage requested is to construct a home with an attached garage and save the trees in the back. The developer has indicated that he can construct a code compliant home with a detached garage, but the large oak trees would have to be removed. What he is proposing instead is to construct the same square footage on the lot as would be permitted if he were getting the detached garage bonus.

So while the lot coverage ratio would be 26% where 20% is allowed, the actual square footage coverage of the lot would be the same in either case.

Someone mentioned a concern about the catch all language included in the public hearing notice. Please note, this is included in all of our public hearing notices. The only relief requested for this project is the lot coverage ratio variation, which is listed.

At this time, we do not have a site plan to share, but should have that from the petitioner this week. I will be happy to share that with the group once received.

Thank you,

Taylor Gendel (she/her)

Associate Planner, Community Development Department Village of Glen Ellyn, 535 Duane Street Glen Ellyn, IL 60137

Ph: 630-547-5246, tgendel@glenellyn.org

Taylor Gendel

From: Thomas Vogelsinger <tdv18@me.com>
Sent: Monday, December 27, 2021 3:53 PM
To: Taylor Gendel
Cc: Debra Giampoli; Roy Giampoli; Anne Trant; Bruce Trant; Elizabeth O'Flynn; Barbara Chrisman; Marlene Slansky; Jeff Basso; Heather Cushing
Subject: Variance 737 Forest Ave

[EXTERNAL EMAIL]

Taylor

We cannot attend in person, but Lynn and Tom Vogelsinger are completely opposed to granting this variance for the property at 737 Forest Ave. Hearing on 1/11/22 at 7pm.

Let's keep Glen Ellyn ... Glen Ellyn.....and stop these builders from over-building every piece of property they get their hands on.

Total builder greed for \$\$\$\$ with no respect to perserving property size.

We VOTE NO! ABSOLUTELY NO!!!

Hopefully our neighbors whom I've copied will concur...

Tom & Lynn Vogelsinger
723 Forest Ave.
Glen Ellyn, IL
Sent from my iPhone

Taylor Gendel

From: A Davis <davis6712@gmail.com>
Sent: Tuesday, January 11, 2022 2:35 PM
To: Taylor Gendel
Subject: Variance for 737 Forest Ave.

[EXTERNAL EMAIL]

Hi Taylor,

We (Adrian & Nancy Davis; [740 N. Park Blvd](#)) are unable to attend the meeting on 1/11/2022, but wanted you and the ZBA to know our thoughts on the variance request for [737 Forest Ave.](#) Our home is directly behind [737 Forest Ave.](#) and we will be directly impacted by this project. We fully support granting the variance due to the following reasons:

1. The oak trees that will be saved by granting this variance are beautiful and healthy. This will help preserve the character of the neighborhood and our village. These trees provide shade to our backyard and house and it would be a real shame if they were taken down.
2. There is significant water runoff from the large driveway in the current house that pools behind the existing garage. An attached garage would significantly decrease the amount of impervious surface and will help lessen the drainage issue.
3. Even with granting this variance, the actual square footage of coverage would be the same due to the 500 ft. bonus for a detached garage. We don't feel that this is an example of the builder asking for something unreasonable or doing something that is detrimental to the character of the neighborhood.

While the building codes are in place for good reason, in this case a variance makes sense and is in the interest of all stakeholders.

Thank you for your consideration.

Adrian & Nancy Davis
[740 N. Park Blvd.](#)
[Glen Ellyn, IL](#)

Sent from my iPad

Taylor Gendel

From: Steve Dimmitt <sdimmitt214@gmail.com>
Sent: Tuesday, February 1, 2022 8:37 AM
To: Taylor Gendel
Cc: Beth Dimmitt; Raymond Whalen
Subject: 737 Forest Avenue

[EXTERNAL EMAIL]

Taylor

My name is Steven Dimmitt and my wife Beth and I recently purchased the home/lot at 735 Forest Avenue in Glen Ellyn.

We have lived twice previously in Glen Ellyn and made the mistake to move out to Elmhurst. We are now working to move back to what we feel is the most beautiful suburb in Chicagoland.

One of the main reasons we are moving back is the beauty of the town which includes all of the trees in the neighborhoods especially around the lake. We understand that Forest Avenue actually derived its name from the myriad of trees on that street.

We understand that Ray Whalen Builders is requesting a zoning variance on 737 Forest Avenue that would require going beyond the allotted LCR for the purpose of saving trees on that lot.

Beth and I are in full support of this. Our lot next door is a great location in part due to the trees in our yard, the trees on 737, the trees to the south of us and the trees behind (to the east of us).

We have built homes before and to have a builder want to save trees is an anomaly in our experience. Builders usually want to cut down trees to make the process easier.

We chose Ray Whalen Builders to build on our lot as well and one of the reasons was his willingness to work around the trees on our lot. It would have been easier to build a one story home using the 35% LCR but it would have taken out some wonderful trees in the backyard of 735 Forest. Ray is working with us to find a way to save them. We have already invested >\$7K in protecting and maintaining the trees on that lot.

In closing, we hope that Ray Whalen's request is approved as we need to keep all the trees we can in Glen Ellyn...not only for the beauty of the town but what it does for our environment and health.

Steven and Beth Dimmitt

Taylor Gendel

From: deborahparker18@gmail.com
Sent: Tuesday, February 1, 2022 11:12 AM
To: Taylor Gendel
Subject: Variance for 737 Forest Ave.

[EXTERNAL EMAIL]

Good morning.

I'm writing this email in support of the variance sought by the owners of 737 Forest Avenue. We (Greg and Deb Klamrzynski; 735 N. Park Blvd.) are unable to attend tonight's meeting; however, we are in support the variance requested.

The variance requested would preserve several beautiful and well established oak trees. Our neighborhood is characterized by the stunning trees that line the streets and populate our neighbor's property. While I understand that sometimes it is necessary to remove trees to accommodate a new construction, I believe that when there is a solution that would allow homeowners to preserve well established trees, we should do what we can within reason to preserve them. Removing the trees to accommodate a detached garage would destroy so much beauty and history of the land in this neighborhood. Additionally, granting this variance wouldn't increase the lot coverage ratio. The exception requested is not unreasonable to retain the character and beauty the trees bring to the Lake Ellyn neighborhood.

Thank you for your consideration of this variance.

Respectfully,

Deb and Greg Klamrzynski
735 N. Park Blvd.
Glen Ellyn, IL 60137

**DRAFT MINUTES
ZONING BOARD OF APPEALS MEETING
February 1, 2022**

Call to Order and Roll Call

Zoning Board of Appeals Chairperson Gregory Constantino announced that the evening's meeting would be conducted remotely, in accordance with a disaster declaration associated with Covid-19, and called the meeting to order at 7:02 p.m. Mr. Constantino, who explained the advisory nature of the ZBA, its function, and the procedure for making determinations about matters brought before it.

Roll was called. Present: Chairperson Constantino and Zoning Board of Appeals Members Matthew Jones, Katie Crudele, Michelle Covington, Chip Miller, Reed Panther and Thomas Whalls. Absent: Maggie Wachter.

Chairperson Constantino went over public hearing protocol, announced that the meeting will be recorded, and introduced the following individuals affiliated with the Village: Planning Manager Kelly Purvis, Planner Atrian Fard, Associate Planner Taylor Gendel, Recording Secretary Barb Dutton and Board of Trustees Liaison Anne Gould.

Motion to Allow Remote Participation

A motion to allow remote participation in the meeting by the ZBA was made by Katie Crudele and seconded by Matthew Jones passed unanimously upon roll call vote.

Approval of Meeting Minutes

Following a motion by Matthew Jones, seconded by Reed Panther, to approve the draft minutes of the December 14, 2021, the motion carried by roll call vote, with all of the Members voting, "Yes," except for Member Covington, who did not render a vote due to technical difficulties.

Public Hearing for 62 N. Main Street

A motion made by Mr. Whalls to open the Public Hearing concerning consideration of a zoning variation for 62 N. Main Street was seconded by Ms. Crudele and carried unanimously by roll call vote.

Staff Presentation

After being sworn in, Associate Planner Taylor Gendel, 535 Duane, stated that the Petitioners, the owners of 62 N. Main St., are requesting approval of a variation from the Glen Ellyn Zoning Code to allow a lot coverage ratio (LCR) of 23.95 percent to build a one-story addition on a single-family residence. The subject property, she explained, is an interior lot located in the R2 Residential Zoning District on the west side of Main Street between Joyce Ct. and Dorset Ct. The zoning and land use immediately around the property is park and single-family residential. The owners currently have an LCR of 18.43 percent, related Ms. Gendel, saying the current home was built in 1979 with an attached garage. Ms. Gendel stated that the homeowners wish to add a 4,95SF first-floor addition to expand the rear family room and convert it to office space, they say is needed for the wife's remote work. To construct the addition as proposed, continued Ms. Gendel, the petitioners would need to be granted a variation from the Zoning Code to allow an LCR that exceeds maximum allowed of 20 percent. She related LCR bonuses accorded by the Village, including a porch bonus for which the Petitioners qualify. Ms. Gendel said the Petitioner states

that when they made the purchase of the property in 1995, the maximum LCR permitted was 25 percent, and they had the intention to pursue a rear addition when they had the financial means to do so. With the addition, Associate Planner Gendel added, they plan to live in the home another 30 years.

ZBA Questions

So, to accommodate a rear garage, ZBA Member Jones asked the minimum driveway width permitted in the R2 District. Planning Manager Purvis replied that it is 9 feet, and sworn in, went on to calculate the impervious surface setback for a driveway on the subject property as 2.25 feet. Mr. Jones asked if a driveway could be put in the utility easement on the south side of the property. Ms. Purvis replied, “No,” explaining that no permanent improvements are to be constructed in the 10-ft. public utility and drainage easement (adding that doing so would require utility company permission). ZBA Member Miller asked for confirmation of the average residential lot size in Glen Ellyn. Ms. Purvis responded that while she didn’t know the average, R2 lots are required to be a minimum of 8,600SF.

Petitioner’s Presentation

John and Kathleen Naliwajko, 62 N. Main St., Glen Ellyn, were sworn in. Ms. Naliwajko stated that the Petitioners have been in Glen Ellyn since 1994, and from the beginning had thought they might add at least a porch to the house. In light of the permanent change in her work location status, and an expanding family, she maintained that the addition is necessary – asserting that the Petitioner’s would likely have to sell the house if they are unable to realize the expansion envisioned. She said they wouldn’t want to sell, stressing that they happily make use of Village amenities. Mr. Naliwajko said the living room is taken up by an office (adding that the Petitioners are also expanding the kitchen). ZBA Member Miller asked if there is a bedroom or basement space for an office for Ms. Naliwajko. She replied there is, but explained that additional kitchen space is needed (and is something they can now afford), as the existing space presents a hardship in hosting family dinners. Ms. Naliwajko stated that the LCR requirement used to be under 20 percent.

Sworn in, the Petitioners’ architect, Rick Rearick, 155 N. Park Blvd., Glen Ellyn, reiterated that the utilities easement restricts the ability to feasibly build a detached garage on the property, and said the change in the Zoning Code in the years they owned the house is a hardship, as well as is to the work-from-home arrangement which begs for office space away from other areas of the house. He called the addition as planned a practical solution that requires less lot coverage than a detached garage, and less impervious area.

Recognizing that the easement (south) restricts the only practical area on the property for a driveway to get to the rear portion of the property, Chairperson Constantino asked if the amount of space needed is the least amount practically as it relates to the amount of the variance requested. Mr. Rearick stated that he believes it is the smallest amount practical that still works. The Chairperson asked the Petitioners if there had been any contact with the neighbors – and any feedback received. The Petitioners responded negatively, though Ms. Naliwajko’s said her sister who lives next door is supportive of the project. Mr. Rearick noted that the addition could have been bigger prior to 2000.

ZBA Member Panther reviewed the findings of fact. ZBA Member Covington asked for a motion to accept the findings; seconded by ZBA Member Jones, the motion passed unanimously by roll call vote.

Deliberation

ZBA Member Covington said she was inclined to approve, given the Code change mentioned. ZBA Member Crudele cited this Zoning change, as well as the easement restriction, as reasons she intends to vote in favor. Due to the easement situation, Member Jones said he was “okay with it.” Member Miller said he couldn’t go with the office space or the Code change as reasons to approve the request, but can go along with the easement hardship. Mr. Panther said he sees the Code change as presenting a challenge, though expressed concerns about setting a precedent; however, along with the easement challenges, is in favor. Mr. Whalls indicated that the side yard setback issues are “tough.” Observing no setback encroachments, storm-water drainage issues or neighbor vision impairment with the plan, said he is “in” on this one. Chairperson Constantino opined that in past lot coverage change has not been considered a hardship (though he thought this might change given all the teardowns replaced by oversized houses), and doesn’t think that work-from-home trends necessarily represent a general hardship, but given the easement restrictions in the case at hand, said he will recommend approval of the variance.

Member Whalls, seconded by Member Covington, moved to close the public hearing; the motion passed unanimously by roll call vote.

ZBA Member Miller moved for the following:

Having considered the application of John and Kathleen Naliwajko, owners of the property located at 62 N. Main Street, Glen Ellyn, for a zoning variation from Section 10-4-8(E)(1) to allow a lot coverage ratio of 23.95 percent where a maximum 20 percent lot coverage ratio for two story single-family dwellings is allowed in the R2 Residential District, 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 February 1, 2022, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following hardship(s) or unique circumstance(s): Due to easements the owners cannot use the garage bonus because there’s no space for a driveway. Seconded by ZBA Member Jones, the motion passed unanimously by roll call vote.

Public Hearing for 737 Forest

A motion made by Member Miller, seconded by Member Covington, to open the Public Hearing concerning consideration of a zoning variation for 737 Forest passed unanimously by roll call vote.

Staff Presentation

Sworn in, Associate Planner Taylor Gendel, 535 Duane, Glen Ellyn stated that Petitioner Ray Whalen Builders Inc., owner of the property at 737 Forest Avenue, requests approval of a variation from the Glen Ellyn Zoning Code to allow an LCR of 26 percent for the property, an interior lot located in the R2 Residential Zoning District, on the east side of Forest between Oak Street and Maple Street. The zoning and land use immediately surrounding the subject property is R2 single-family residential, she said, explaining that the Petitioner proposes constructing a new single-family home at 737 Forest. The proposed residence would have a 26-percent LCR. This variation request to exceed the maximum LCR is due to the fact that there are large Oak trees on the property that the builder would like to preserve, she stated. The placement of the trees, she continued, prohibits him from building a new detached garage in the rear yard. The extra lot coverage requested, she explained, is to construct a home with an attached garage which will allow the trees in the back yard to be saved. Petitioner Whalen has indicated that he can construct a code-compliant home with a detached garage, said Ms. Gendel, but the large Oak trees would

have to be removed. She stated that the Village's tree consultant has reviewed the plans and agreed that construction of a new attached garage would damage the two Oak trees.

What he is proposing instead, she said, is to construct the same square footage on the lot as would be permitted if he were getting the detached garage bonus of 500SF. Therefore, the lot coverage ratio would be 26 percent where 20 percent is allowed, however, the actual square footage coverage of the lot would be the same in either case. The Petitioner is willing to attach the garage to the home to save the Oak trees (forgoing the detached garage bonus) but would like to be able to build the same square footage in the home. He does anticipate the home having a front porch and he would benefit from the lot coverage bonus of up to 240SF for that improvement. The Petitioner has indicated that the proposed home would meet all other requirements of the Zoning Code.

If the variation is granted, said Associate Planner Gendel, the Oak trees saved would be numbers 14 and 16 on a Lot Development Plan she displayed. According to the Petitioner's tree consultant, they are in reasonable condition and stand great likelihood of survival, providing the appropriate steps are taken to reduce the impact of the construction. Trees 14 and 16 would undergo significant damage from construction if the existing garage is to be torn down and replaced, she continued, saying that according to the consultant, if the garage is to be replaced the trees may still be salvaged, but doing so would require more in-depth pre- and post-construction treatment to enhance their likelihood of survival. The Village's tree consultant, she related, agrees that these two trees would do best if the existing detached garage was demolished without being rebuilt. Ms. Gendel related that the Village's consultant also stated that trees 14 and 16 are approximately 2 ft. from the current structure and it is likely they have adjusted to the current garage; roots likely have grown around it and would be minimally disturbed by the garage's removal. A new structure would likely cause more ground disturbance and the need for root pruning, especially if the size of the detached garage were to change. Ms. Gendel related that the Village's consultant mentioned that Oaks can live upwards of 200 years, and that she also recommends not removing trees 4 or 8 and disagrees with the Petitioner's submitted tree evaluation, specifically with regard to these trees, which the consultant deemed also significant and in fair condition. Ms. Gendel reported that Mr. Whalen provided an updated demolition plan and notes that tree No. 4 would likely require removal to accommodate water and sewer line placement.

ZBA Member Jones asked for confirmation that existing garage (built in 2015) is not a blight to be removed. Ms. Gendel didn't believe so. Mr. Jones asked if it could be kept. Ms. Gendel thought so.

Petitioner's Presentation

Ray Whalen, 177 Sunset Ave., Glen Ellyn, was sworn in. He stated that after the subject property was under contract, he learned that to construct a new, code-compliant home he would have to remove a significant number of trees, which he contends are an important aspect of the character of this particular neighborhood. Encouraged to seek a variation by combining the LCR bonuses, he continued, he wishes to build a 2,100SF residence while saving Oak trees on the property. He argued that a front-load attached garage would require less impervious surface, benefitting a neighborhood that already has water problems. This plan would also allow more open space in the rear yard, he added. He stated that he met with a tree consultant, whose report with which the Village's consultant concurs. Urged to seek Village Board input, Mr. Whalen related that he was instructed by Village President Senak to respect the process, and that the Petitioner sought input from the Historic Preservation Commission and has been invited to attend the Feb. 15th meeting of the Environmental Commission to discuss tree protection.

For clarification, the Petitioner stated that he only owns the property at 737 Forest, which he acquired it after the owners of 735 Forest and who contacted him about building a house on that lot. Mr. Whalen maintained that the variance he's seeking will allow him to have a greater side-yard setback between the two houses. He concluded by saying that he wants to build a house that meets today's standards, and refuting an accusation of greed (i.e., overbuilding on the property), said that carrying the property while going through the process to save trees comes at a cost to him (as does designing a custom plan).

Confirming that the Petitioner paid a premium for the lot, Member Jones asked the Petitioner if he felt he overpaid for it, saying he expects prized properties in town to command high prices in the future. Mr. Whalen stated that between the subject property and the one adjacent to it, it is the highest cost paid per square-foot in Village history, and that he's seen greater price increases in Elmhurst and Downers Grove. Mr. Jones asked if Mr. Whalen if this is in part due to LCR coverage and whether a higher LCR would allow more building being done in Glen Ellyn. Mr. Whalen said an appraiser he used feels Glen Ellyn's values declined. The Petitioner said he thinks homes are quite large already, especially on smaller lots. Responding to a further question from Mr. Jones, Mr. Whalen stated that Public Works requires 10 feet of separation between Tree #4 and water and sewer lines, explaining that this is horizontally, as the Village doesn't permit shelving outside of unique circumstances.

ZBA Member Miller asked what's wrong with the six-year-old garage that it can't be resided. Mr. Whalen replied that, in addition to being a poorly placed ugly structure, it is only about 19 feet wide inside, and the overhead door is only 7 ft. tall, so doesn't accommodate an SUV. (He also indicated that the neighbors to the rear want it gone.) Mr. Miller asked the plans for sewer and water, to which Mr. Whalen responded that the Village has upgraded the sewer and water, so going into the parkway to the B box (where there's a cleanout) is currently Code compliant. Given the buildable area, he said he'll be required to come across the sidewalk and separate sewer and water as far as he can as quick as he can to meet the State's 10-ft. requirement, only going from the B-box to the new home. In response to a question from Member Miller about setting precedent among developers, Mr. Whalen said the proposed project is distinguished by the objective of saving trees, which for him amounts to a long-term perspective.

ZBA Member Whalls asked if the electricity would be coming in from the back or the front yard. Mr. Whalen said he'd not gotten that far, but that it would not be traversing over the garage, but rather it will be underground. Mr. Whalls asked how close the trenches would be to either of the big trees. Mr. Whalen said the lines will be on the southeast corner and doesn't think he'll impact the trees.

Chairperson Constantino, referring to the Petitioner's request for direction at the December Zoning Board of Appeals meeting, recalled Mr. Whalen granted the variation using the bonus square footage being agreeable to placing a condition on the property prohibiting a larger structure being built in the future, and wondered if Mr. Whalen is still willing to accept such a condition. Mr. Whalen replied, "Absolutely," adding that he is amenable to not building over the porch, saying he's not looking to build "a monstrosity."

Disturbed by the proposed 26 percent LCR, Mr. Jones asked the Petitioner if he'd be willing to take off the screen porch to bring down the percentage. Mr. Whalen replied, "Probably not," maintaining that the porch is a selling feature. Mr. Jones expressed that he's more comfortable with an LCR of 25 percent. Mr. Whalls wondered what the square footage would be if the LCR was capped at 25 percent. Planning Manager Purvis calculated the difference as 80SF. Chair Constantino asked if the LCR would also be 26 percent with a detached garage (and qualifying for the bonus); Mr. Whalen replied affirmatively.

Ms. Gendel read into the record the following letters received:

Stacey Zagortz, 745 Forest Ave.: *I would like to express my concerns of flooding/run-off with the proposed variance of 30% increased lot coverage. As the house at the bottom of a hill, our home has flooded multiple times from run-off caused by melting snow and rain. We have at significant financial burden, remedied these problems. We oppose this measure. We would like the zoning committee to fully understand the drainage run-off implications and we want to understand what recourse we have with the Village should the measure be approved and should we start to once again experience drainage issues.*

Steven and Beth Dimmitt, 737 Forest Avenue: *My name is Steven Dimmitt and my wife Beth and I recently purchased the home/lot at 735 Forest Avenue in Glen Ellyn.*

We have lived twice previously in Glen Ellyn and made the mistake to move out to Elmhurst. We are now working to move back to what we feel is the most beautiful suburb in Chicagoland.

One of the main reasons we are moving back is the beauty of the town which includes all of the trees in the neighborhoods especially around the lake. We understand that Forest Avenue actually derived its name from the myriad of trees on that street.

We understand that Ray Whalen Builders is requesting a zoning variance on 737 Forest Avenue that would require going beyond the allotted LCR for the purpose of saving trees on that lot.

Beth and I are in full support of this. Our lot next door is a great location in part due to the trees in our yard, the trees on 737, the trees to the south of us and the trees behind (to the east of us).

We have built homes before and to have a builder want to save trees is an anomaly in our experience. Builders usually want to cut down trees to make the process easier.

We chose Ray Whalen Builders to build on our lot as well and one of the reasons was his willingness to work around the trees on our lot. It would have been easier to build a one story home using the 35% LCR but it would have taken out some wonderful trees in the backyard of 735 Forest. Ray is working with us to find a way to save them. We have already invested >\$7K in protecting and maintaining the trees on that lot.

In closing, we hope that Ray Whalen's request is approved as we need to keep all the trees we can in Glen Ellyn...not only for the beauty of the town but what it does for our environment and health.

Deb and Greg Klamrzynski, 735 N. Park Blvd.: *Good morning. I'm writing this email in support of the variance sought by the owners of 737 Forest Avenue. We (Greg and Deb Klamrzynski; 735 N. Park Blvd.) are unable to attend tonight's meeting; however, we are in support the variance requested.*

The variance requested would preserve several beautiful and well established oak trees. Our neighborhood is characterized by the stunning trees that line the streets and populate our neighbor's property. While I understand that sometimes it is necessary to remove trees to accommodate a new construction, I believe that when there is a solution that would allow homeowners to preserve well established trees, we should do what we can within reason to preserve them. Removing the trees to accommodate a detached garage would destroy so much beauty and history of the land in this neighborhood. Additionally, granting this variance wouldn't increase the lot coverage ratio. The exception requested is not unreasonable to retain the character and beauty the trees bring to the Lake Ellyn neighborhood.

Thank you for your consideration of this variance.

Jeffrey J. Basso, 726 N. Park Blvd. was sworn in. After some discussion to clarify the garage bonus allowance offered by the Village, Mr. Basso voiced an objection to the project, saying that an LCR of 26 percent “seems excessive,” saying he doesn’t want to see a house that is too big for the lot (though would like to see the existing garage removed). Mr. Constantino stressed that the issue at hand is the square-footage of the footprint on the property, a clarification for which Mr. Basso expressed thanks.

ZBA Member Panther reviewed the findings of fact. ZBA Member Whalls asked for a motion to accept the findings; seconded by ZBA Member Covington, the motion carried unanimously by roll call vote.

Deliberations

ZBA Member Covington said that while saving trees is important and she finds reducing impervious surface an attractive argument, she thinks an LCR of 26 percent is “awfully high,” and doesn’t understand why another type of home (of a different size) can’t be built on the lot. ZBA Member Crudele said she can get “on board” with keeping the trees and accommodating the water issues by potentially decreasing impervious surface, however, thinks the 26 percent is high. In the interest of maintaining the “essential character of the neighborhood, she said is leaning toward recommending approval. While he appreciates the effort to save trees, ZBA Member Jones indicated that it would be easier to reach a determination if he could see a complete plan, to gain an understanding of the bulk it presents for the building, but added that at 26 percent LCR, he’s a “No.” Board Member Miller said that while he believes the Petitioner is trying to save trees, he draws the line at 25 percent. With the trees being assessed to be only of “fair” quality, he said he’s concerned about setting a precedent, so would vote, “No” on approving the Petitioner’s request. Undecided, Commissioner Panther also expressed concern about the 26-percent LCR, and Commissioner Whalls said that despite some plan aspects of which he is in favor, 25 percent is his maximum. Chairperson Constantino said he struggled with the 25 percent limit vs. 26 percent request but would be in favor of recommending granting the requested variation, citing Preservation Commission support, neighbor opinion, and the prospect of losing mature trees.

Associate Planner Gendel reported that the Village’s Consulting Engineer had no concerns about storm water (and said that if the developer is decreasing the amount of impervious surface, he won’t be required to provide a dry well, but given the topography will have to direct runoff toward Forest). Regarding Mr. Miller terming trees in “fair” condition, she said, according to the Arborist trees assessed to be in “excellent” condition would be typically found in an arboretum, so “fair” is a normal grading of a healthy tree in a residential area. Mr. Whalen interjected that increasing the area between the two new homes will help in water management.

Commissioner Covington asked if there’s a reason another type of home can’t be constructed on the lot. Mr. Whalen explained that the plan starts with the garage dimension, which limits the width of the home that can be built, and added that the lot is on an angle and so is also a constraint. After the Chairperson polled the members as to their stance, Ms. Crudele moved to close the public hearing; seconded my Member Covington, the motion passed unanimously by roll call vote.

ZBA Member Whalls moved for the following:

Having considered the application of Ray Whalen, owner of the property located at 737 Forest Ave. Glen Ellyn, for a zoning variation from Section 10-4-8(E)(1) to allow a lot coverage ratio of 26 percent where a maximum 20 percent lot coverage ratio for two story single-family dwellings is allowed in the R2

Residential District, 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 February 1, 2022, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following hardships or unique circumstances:

1. Improvement of drainage in the rear yard;
2. The preservation of mature Oak trees on the property;
3. And that if using the exemption on the 500 ft. for the garage whether it's attached or detached the LCR is pretty much the same.

Seconded by ZBA Member Crudele, the motion carried by roll call vote, with Members Whalls, Crudele, Panther and Constantino voting, "Yes;" and Members Jones, Covington and Miller voting, "No."

Public Hearing for 298 Oak Street

A motion made by ZBA Member Crudele, seconded by Member Whalls passed unanimously by roll call vote.

Staff Presentation

After being sworn in, Planner Atrian Fard, 535 Duane Street, reviewed the case for a construction-necessitated zoning variation request: The subject property, 298 Oak Street is an interior lot on the north side of Oak Street and between North Kenilworth Avenue and Western Avenue. The Petitioner is requesting a public hearing for to allow a lot coverage ratio (LCR) of approximately 21.8 percent on the subject property in lieu of the maximum permitted lot coverage ratio of 20 percent. The subject property and all surrounding properties are zoned R2 – Single Family Residential District and are all improved with single-family homes. Planner Fard related that on October 21, 2019, a building permit application was filed for the subject property to install a new patio in the rear yard. Several days later, stated Planner Fard, Staff sent a rejection letter stating that the permit application was for a rear patio; the drawings also included a roofed pavilion with a fireplace that would cover a part of the proposed patio. Additionally, she continued, Staff at the time noted that the house was at the maximum allowable LCR of 20 percent, and the addition of the pavilion would exceed the lot coverage limitation. Consequently, stated Ms. Fard, the architect for the project, Mr. Anthony Montalto, filed their second submittal in response to the review comments where they agreed to remove the enclosed pavilion from the application and replace it with an open pergola equipped with the originally proposed fireplace. Per the Zoning Code, she explained, a pergola would be exempt from the LCR calculations because it is constructed with an open material on top so is not considered a roof structure.

So, the plans for the pergola were approved, continued Ms. Fard, who said that on June 6, 2020, the permit was issued. After the final building inspection passed on September 25, 2020, the permit was closed out. In August 2021, she related, the Village received calls from a neighbor regarding work done on the subject property without a building permit being obtained. The Village performed a building inspection and found that the permitted pergola had been replaced with the previously denied roofed pavilion. The Village notified the Petitioner of the violation and requested construction details for the built pavilion, which currently exists. After reviewing the new drawings, Staff informed the homeowners of the need to either remove the nonconforming roofed structure to comply with the maximum allowable

LCR of 20 percent or file for a Construction-Necessitated Zoning Variation (CNZV). On October 28, 2021, the homeowners filed for a CNZV request.

The Village Zoning Code, explained Planner Fard, regulates a freestanding pavilion as a gazebo, which is not to exceed 250 sq. ft. in area. According to the most recent plat of survey, she stated, the roofed pavilion measures 249.6 sq. ft. Although compliant in size, the new pavilion increased the lot coverage ratio to 21.8 percent that would make the property approximately 249.15 sq. ft. over the permitted lot coverage of 2,766.45 sq. ft.

According to the Petitioner, reported Planner Fard, the family faced a lot of challenges due to the Pandemic, which led to the closure of schools during the fall and winter of 2020. So, in November 2020, continued Ms. Fard, the homeowner replaced the pergola with a roofed pavilion without informing the Village. The Petitioner also claims that maintaining the pavilion as built would provide an outdoor area for social events during cold seasons and a safe place for children to learn and play. A zoning variation for LCR will need to be granted for the pavilion to remain as built, said Ms. Fard. If the request is denied, she added, the Petitioner will have to spend approximately \$5,500 to remove the nonconforming covered structure plus another \$18,700 to construct a new pergola in its place.

Planner Fard cited a previous matter before the ZBA: The homeowner of 298 Oak, Mr. Kevin Wallace, president of Addlawn Landscaping Inc., has been recently involved in another CNZV request as the contractor for the single-family residence at 523 Fairway Court. The Fairway case was initially filed by Michael Fisher, owner of the property, for a pergola that had been constructed in the required rear yard setback without the granting of a variation. While Mr. Fisher claimed that he was unaware that the pergola needed a variation, Mr. Wallace, the contractor of the project, took full blame for the pergola being constructed without first receiving a variation. Mr. Wallace also had confessed that he was aware of the requirement and "dropped the ball." While the ZBA recommended denying the request, the Village Board approved it in July 2021. Despite the fact that Staff had fully informed the homeowners of 298 Oak of the Code provisions during the permitting phase prior to the construction, said Planner Fard, it appears that the petitioner deliberately chose to ignore the standards after the passage of final building inspection. If the neighbors didn't notify the Village of the changes that occurred after the permit was closed out, she noted, the Village would never have become aware of the nonconformity. Ms. Fard outlined ZBA possible action on the case at hand.

Petitioner's Presentation

Maureen Wallace, 298 Oak St., and Anthony Montalto, 304 Oak St. of Glen Ellyn, were sworn in. Ms. Wallace stated that she has four children who were schooled from home during the Covid-19 pandemic, and that with her working from home, the family needed a quiet place to work. She said the situation was taking a mental toll on her diabetic teenage son. She continued, saying that with the parks, schools and restaurants closed, there was no place for teenagers to hang out, and with socializing now being done outdoors, the space that is the subject of the hearing provided a place for youngsters to gather safely and supervised. She contended that she did what was right for her family at the time, and that removing the subject structure would be a hardship – both financially and for her children's wellbeing. Further, Ms. Wallace placed blame for the aforementioned Fairway Court mishap on an employee of her husband's company, saying her husband was unaware of it until it became an issue with the Village, and that he accepts responsibility in the matter. She further stated she was glad when the pavilion plan was initially

denied, but when the idea resurfaced once Covid-19 hit, she decided in the interest of time to move ahead without a variation.

ZBA Member Whalls, who later told Ms. Wallace that she did not go about her pursuit the right way, asked her why she did not get a revised permit. Ms. Wallace replied that she was fine with the pergola, but after schools shut down, she felt something needed to be done as her children were suffering. Chairperson Constantino asked Ms. Wallace why, in coming to this decision, she did not attempt to obtain a new permit or initiate the variation process. Expressing a “timing issue,” Ms. Wallace responded that the Village offices were closed at the time, she perceived the permit process to be slow, and the plan to move ahead with the project as they did represent an “immediate need,” citing health concerns. She indicated she would have done so under different circumstances. Mr. Montalto, neighbor and architect, attested to the quality of construction and the character of the pavilion. Mr. Miller asked who built the roof. Ms. Wallace said it was a contractor she found. Mr. Constantino asked what hardship relative to the property she could identify. Ms. Wallace said she did what she did to bring her son out of a “funk.”

Planner Fard referred to a table she created listing 24 letters received in support of the pavilion and the variation requested and read into the record the following letters received. (The first of these was not listed in the table, and the second one, while listed, was specifically requested by Member Jones to be read aloud.)

Jim & Patti Campanella, 323 Elm Street, Glen Ellyn: To whom it may concern -

I am writing this letter regarding the property located at 298 Oak Street which is occupied by the Wallace Family. It was brought to my attention that the Village of Glen Ellyn is considering having the Wallace's remove an outdoor structure in their backyard. While our property is not adjacent to the property in question, I am familiar with the home and the new outdoor living space.

The Wallace Family prides themselves on carefully maintaining their property. I walk my dog by their home everyday and admire how much care & effort they put into it.

The structure is only 1.2% over the lot to roof ratio [LCR]. That small ratio seems insignificant in my opinion. It would be a shame if the Wallace family had to remove the structure. I know family & friends enjoy using the space, and it was beautifully constructed to aesthetically enhance their outdoor living space.

I hope the Village does the right thing and allows the Wallace Family to keep their beautiful outdoor space intact.

Laura Levin, Attending Physician, Division of Endocrinology, Ann & Robert H. Lurie Children's Hospital of Chicago:

To Whom It May Concern-

Ryan has Type I diabetes, which is an autoimmune condition. Since he has an autoimmune condition, he is considered immune compromised. During Covid, many teens have experienced some struggle with mental health. Particularly, we have seen this in our patients with diabetes. Ryan was beginning to show signs of this. The social isolation really affected many teens, and has led to an increase in depression and anxiety. As providers, we recommend that our patients socialize in distanced outdoor space for their own health and wellbeing. Being outside is considered safer for everyone during Covid, but especially for the immune compromised.

ZBA Member Panther presented the findings of fact, which Member Miller then moved to approve. Seconded by Member Covington, the motion carried unanimously by roll call vote.

Deliberation

ZBA Member Covington said we all had to deal with similar struggles, but we still have to follow rules as part of a community. Ms. Crudele said she understands the struggles expressed by the Petitioner but wishes the process could have been started for the variance. Saying the Petitioner displayed a complete disregard for the rules and regulations of the Village, Ms. Crudele said she is voting, “No.” to the variation, calling this a case of asking for forgiveness rather than permission.

ZBA Member Miller pointed out testimony indicating that the Petitioner’s husband knew of the short cut and was against building the pavilion. Mr. Miller also suggested that one could still go outside with a pergola in place. Mr. Miller didn’t see why at the time of the inspection in 2020, the Petitioner didn’t ask if the Village could speed up the process. Given that no attempt was made, Mr. Miller said he can’t vote, “Yes” to the variance, but rather is compelled to offer “a hard ‘No.’” Board Member Reed concurred, believing that the Petitioner deliberately tried to circumvent the process. With the Village rejecting the original structure, and the inspection of a different structure, he doesn’t have a lot of sympathy for the Petitioner, so his decision on the appeal is “No.”

Reiterating his bewilderment as to why the Petitioner hadn’t gone for another permit, ZBA Member Whalls. He said there are “millions of kids in this situation,” and asked why the Petitioner didn’t protest the issue with the State. Referring to Petitioner testimony about Village delays as “hearsay,” Mr. Whalls said his verdict is a “solid ‘No.’” Chairperson Constantino said that he is against recommending granting the variation, as action was taken with no attempt to request a variation and didn’t hear expressed a hardship or unique circumstance outside of Covid. He indicated that the Petitioners knew of the Department’s requirements and its position, hence brought the problem upon themselves, and that he would not recommend to the Board the granting of this variation.

Though ZBA Member Jones deemed that the Petitioner’s actions technically wrong by Village standards but said that his personal opinion is the mother did was right as a parent. While the determination should be a “No” and the Board is making the correct choice, he said he is sympathetic to Ms. Wallace’s situation, so will give her a “Yes” vote.

Planner Fard pointed out that because the requested variation only exceeds the LCR by 1.8 percent, and a variation request up to 2 percent is permitted to be handled administratively, the Petitioner could have appealed to Village Staff, which would not only have been quicker, but the Petitioner had a better chance to get approval. Chairperson Constantino surmised that because the work has already been done, it is too late for this course of action. Ms. Fard confirmed that this is correct. Mrs. Wallace said she was never notified of this option.

ZBA Member Whalls moved to close the Public Hearing on 298 Oak. Seconded by Crudele, the motion carried unanimously by roll call vote.

ZBA Member Miller moved for the following:

Having considered the application of Maureen Wallace, owner of the property located at 298 Oak Street, Glen Ellyn, for a construction necessitated zoning variation to allow a lot coverage ratio of approximately 21.8 percent on the subject property for which the maximum permitted lot coverage ratio is 20 percent, as

depicted on the plans presented or revised at the public hearing, the Zoning Board of Appeals hereby recommends DENIAL of the requested zoning variation from Section 10-4-8(E)(1) of the Glen Ellyn Zoning Code based upon the following findings of fact:

1. That the plight of the homeowner was not due to unique circumstances or a particular hardship; the entire village was suffering from Covid. Many families have a large number of children, and many families have immune-compromised children.
2. That this particular difficulty or hardship has been created by the persons presently having interest in the property, because the pavilion was already rejected and work on the pavilion was started right after they finished the final inspection. They never tried to get a variance; this is not the first this family was involved in a very similar situation in Glen Ellyn.

Seconded by Member Panther, the motion passed 6-1 by roll call vote as follows: Members Miller, Panther, Whalls and Crudele, and Chairperson Constantino voted, "Yes;" Member Covington abstained, and Member Jones voted, "No."

Chairpersons Report

Given the late hour, Chairperson Constantino thanked everyone for their time, effort and patience.

Staff Report

Planning Manager Purvis reported that Planner Fard is working on a presentation to deliver to the ZBA about handling construction-necessitated variations. Member Whalls asked how many times the Village Board has overturned the ZBA on construction necessitated variations, to which Ms. Purvis said the Board has approved every one. Mr. Whalls asked the status of updating building and zoning codes, including LCR and roof-height requirements, and asked about meeting with builders and architects. Ms. Purvis said Development Director Staci Springer is putting together a response to feedback about Building Division practices gleaned from a recent Building Board of Appeals (BBA)-hosted builders' forum. She related, too, that the building Codes update process is underway, but that nothing is currently being researched relative to LCR changes to the Zoning Code. Ms. Fard said it is probable that another construction-necessitated variation case will be on the March 8th ZBA agenda.

Trustee's Report

Trustee Liaison Anne Gould related that the Architectural Review/Appearance Commission is moving toward reconstitution, with seven members to be chosen to serve. Also, she reported that the Harding-Glen Townhome development was approved, and that the Village is moving forward with the hotel property, for which a charrette session is planned.

Ray Whalen declared Planning Department restructuring beneficial and said that Building Division staff additions have improved efficiency.

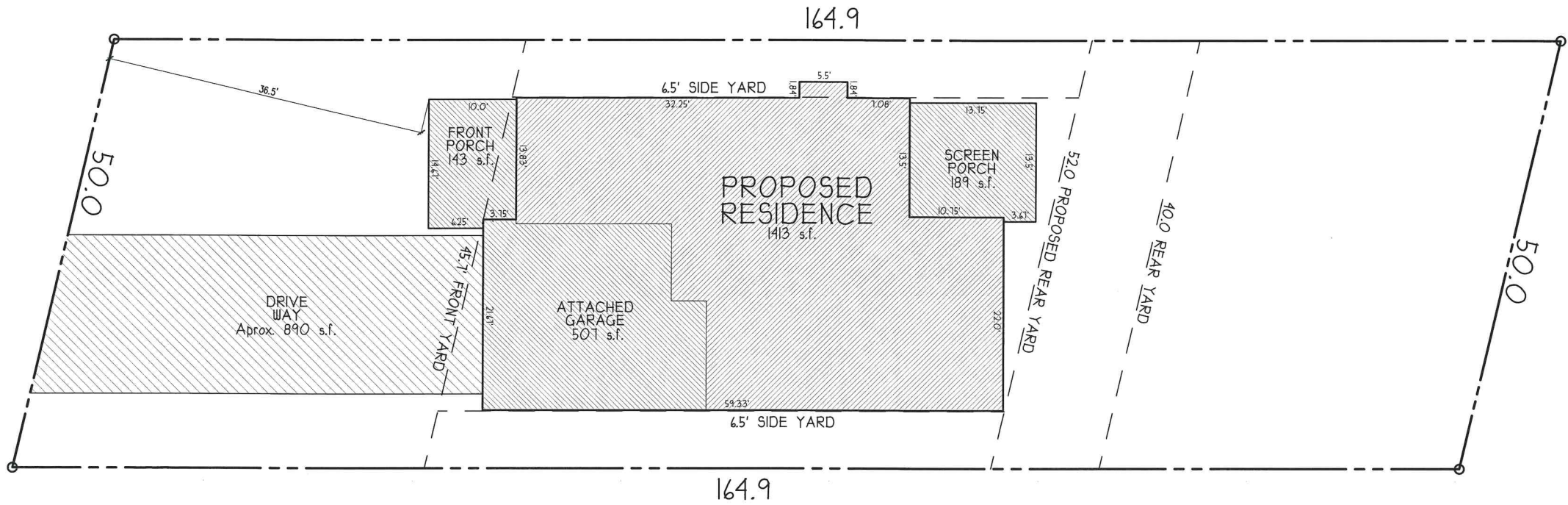
Adjournment

Chairperson Constantino adjourned the meeting at 10:39 p.m., following a unanimous roll call vote on a motion made by ZBA Member Covington, and seconded by ZBA Member Jones.

Respectfully submitted,

Barbara Dutton-Thomas
Recording Secretary

SITE INFORMATION:	
ZONED:	R-2
LOT SIZE:	8,048 S.F.
LOT COVERAGE RATIO: (ROOFED FOOTPRINT AREAS OF ALL STRUCTURES)	
ALLOWABLE LOT COVERAGE:	.20 x 8,048 S.F. (LOT) = 1,609.6 S.F. (MAX.)
PROPOSED LOT COVERAGE:	2,099.1 S.F. (SEE BELOW) / 8,048 S.F. (LOT) = 26%
1ST FLOOR	1,412.8 S.F.
ATTACHED GARAGE	504.6 S.F.
SCREEN PORCH	189.3 S.F.
FRONT PORCH	142.9 S.F.
SUBTOTAL = 2,251.6 S.F.	
FRONT PORCH BONUS	-142.9 S.F.
GARAGE BONUS	-500 S.F.
TOTAL = 1,608.1 S.F.	



DEC. 30, 2021
131 FOREST AVE. GLEN ELLYN, ILLINOIS
PROPOSED BY RAY WHALEN BUILDERS



Raymond Whalen <rwhalenbuilders@gmail.com>

737 Forest Ave. Glen Ellyn IL

2 messages

Omholt, Kyle <Kyle.Omholt@davey.com>

To: R Whalen Builders <rwhalenbuilders@gmail.com>

Thu, Jan 6, 2022 at 2:22 PM

Ray,

I have attached a spreadsheet to this email that corresponds with the map and inventory that you provided me with today. You will see in my notes that upon my inspection, the trees that you are planning to save are in reasonable condition and stand great likelihood of survival provided that the appropriate steps are taken to reduce the impact of the construction. There are two trees, trees 14 and 16, that would undergo significant damage from construction if the existing garage is to be torn down and replaced. If the garage is to be replaced these trees may still be salvaged however would require more in depth treatment pre and post construction to enhance their likelihood of survival. Let me know if you have any questions or if you need further clarification on anything.

Thanks,

Kyle Omholt | Assistant District Manager

ISA Certified Arborist IL-5306A

The Davey Tree Expert Company

Glen Ellyn Branch 155131

[1200 N Lombard Rd., Lombard, IL 60148](#)

P: 630.545.0606 | F: 630.545.9981

**Review us on Google!****Ask about our Refer A Friend Program!****737 Forest Ave .xlsx**

10K

Tree #	Species	Condition	Notes
1	Bur Oak	Fair	
2	Silver Maple	Fair	
3	Red Oak	Fair/Poor	Large tree on neighboring property, some larger dead branches,
4	Shagbark Hickory	Fair	Top of the tree broken and partially hanging. Tree is in good health however after broken branches are removed the tree may no longer be aesthetically pleasing
5	White Oak	Good	
6	White oak	Fair	
7	Ironwood	Good	
8	White Oak	Fair	Large dead limbs on lower portion of canopy, no significant dieback. Some evidence of boring insect damage is visible on the trunk of the tree This tree is likely to be further affected by construction and if it remains, multiple treatments would be crucial to its survival
9	White Oak	Good	Heavy lean over the neighboring property. No significant risk of failure
10	White Oak	Fair	Neighbors tree, being encroached on by tree 9
11	White Oak	Good	Some dead branches throughout the canopy
12	Elm	Fair	Tree growing in non ideal location for the species, recommend removal
13	Mulberry	Fair	Tree growing in non ideal location for the species, recommend removal
14	White Oak	Fair	Dead branches over the current garage. Trees 14 and 16 would be subject to further construction damage if the existing garage is torn down and replaced. These trees sustained construction damage in 2012 and look to have recovered well.
15	Elm	Fair	Tree growing in non ideal location for the species, recommend removal
16	White Oak	Fair	See tree 14 notes
17	elm	Fair	Tree growing in non ideal location for the species, recommend removal
18	elm	Fair	Neighbors tree
19	White Oak	Good	Neighbors tree
20	Hickory	Good	Neighbors tree
21	White Oak	Poor	Neighbors tree
22	White Oak	Poor	Neighbors tree
23	Ohio Buckeye	Good	Neighbors tree

RAY WHALEN BUILDERS, INC.
P.O. BOX 3380
GLEN ELLYN, ILLINOIS 60138-3380
January 6, 2022

737 FOREST AVENUE, GLEN ELLYN

Tree Description				Classification				Action			
Tree No.	Species	Condition	D.B.G.	Parkway Tree	Private Tree	Protected Tree	Unprotected Tree	Remove	Root Prune	Crown Prune	Fertilize
1	Burr Oak	fair		x		x					
2	Silver Maple	fair		x		x					
3	Red Oak	fair		x		x					
4	Shagbark Hickory	fair			x		x	x			
5	White Oak	good		x		x					
6	White Oak	fair			x		x	x			
7	Ironwood	fair			x		x				
8	White Oak	fair			x		x	x			
9	White Oak	fair			x		x				
10	White Oak	fair		x		x					
11	White Oak	fair			x		x				
12	Elm	poor			x		x	x			
13	Mulberry	poor			x		x	x			
14	White Oak	fair			x		x				
15	Elm	fair			x		x				
16	White Oak	fair			x		x				
17	Elm	poor			x		x	x			
18	Elm	poor		x		x					
19	White Oak	good		x		x					
20	Hickory	good		x		x					
21	White Oak	poor		x		x					
22	White Oak	poor		x		x					
23	Buckeye	good		x		x					
24											

Zoning Class R-2

WETLAND NOTE
There are no identified wetlands on the property.

The Northerly 50.0 feet of the Southerly 100 feet (measured on the East and West lines) of Lot 6 in block 18 in Glen Ellyn Addition to Prospect Park, being a subdivision in Section 11, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1890 as document 42887, in DuPage, Illinois.

Benchmark # M103002
3.5 inch brass disk set at the
southeast corner of the intersection
of Geneva Road & Bloomingdale Road.
Elevation = 790.01 (NAVD 88)

Rim of sanitary manhole in the center of the road approximately 10' south of the lot.
Elevation = 752.58

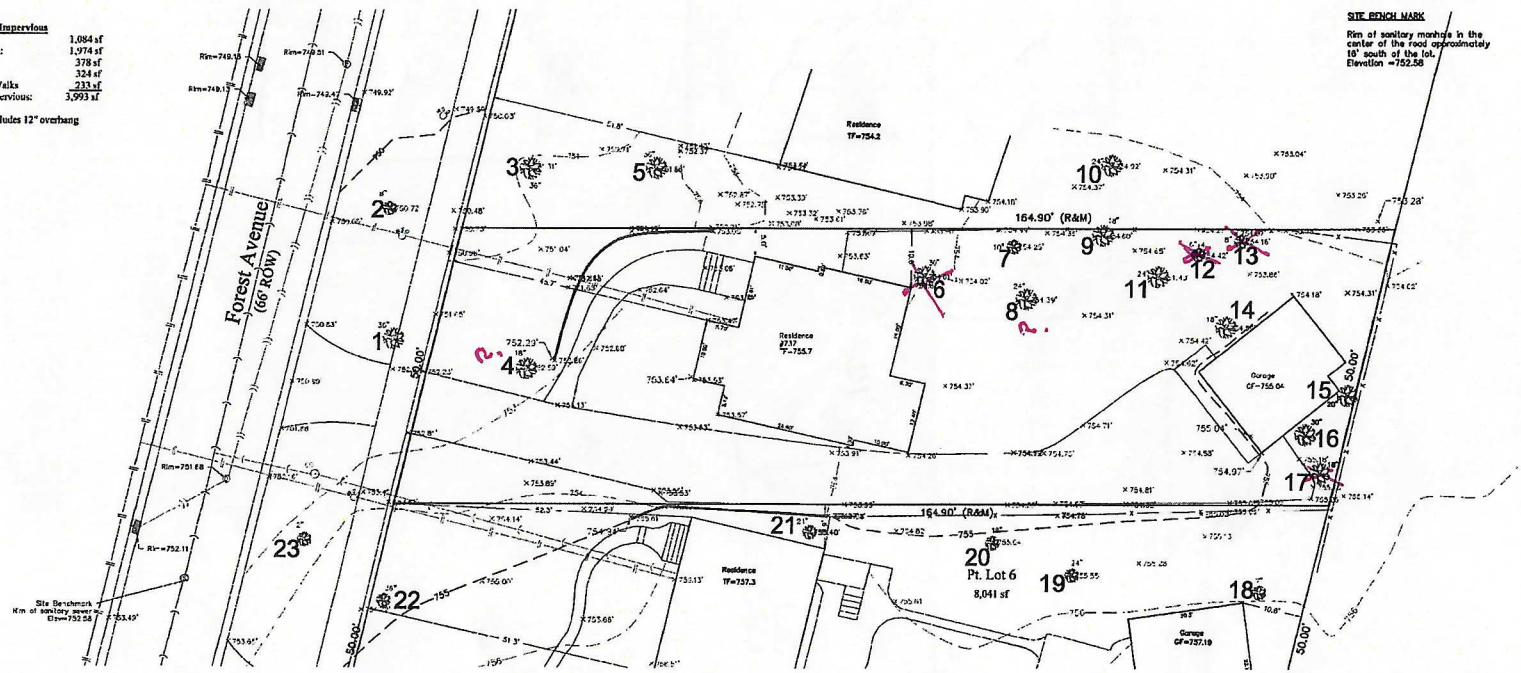
Legend

- TF = Top of Foundation
- GF = Garage Floor
- LO = Lock Out
- WO = Walk Out
- TC = Top of Curb
- BW = Back of Walk
- FS = Finished Grade
- P.U.E. = Public Utility Easement
- C.E. = Ordinance Easement
- CL = Center Line
- ± (100.00) = Proposed Elevation
- ± 100.00 = Existing Elevation
- ± Existing Contour
- ± Proposed Contour
- ± Box-b
- ± Storm Manhole
- ± San Manhole
- ± Valve Vault
- ± Fire Hydrant
- ± Drive Spool
- ± Drainage Pipe
- ± Watermain
- ± Storm Sewer
- ± Sanitary Sewer
- ± Ext. Tree
- ± Remove Tree
- ± Proposed Evergreen

Existing Impervious	
House*:	1,084 sf
Driveway:	1,974 sf
Garage	378 sf
Apron	324 sf
Entry& Walks	<u>233 sf</u>
Total Impervious:	3,993 sf

* Includes 12" overhang

- Includes 12" overhang

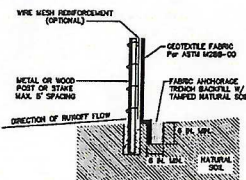


A concrete washout area shall be provided on site.
Concrete cannot be washed out into the public right-of-way
or storm sewer system.

Boundary dimensions, building dimensions and offsets are based on Plat of Survey prepared by Professional Land Survey, Inc. dated March 31, 2021.

1. Install soil erosion and sediment control measures.
2. Tree removal where necessary (clear & grub).
3. Construct sediment trapping devices.
4. Strip topsoil and stockpile.
5. Excavate for basement and stockpile.
6. Install foundation.
7. Backfill foundation and rough grade side.
8. Re-spread Topsoil.
9. Fine grade and permanently stabilize site.
10. Remove all temporary S/ESC measures after site is stabilized with vegetation.
11. Soil erosion and sediment control maintenance may occur every two weeks and after every 1/2" or greater rainfall event.

Surround the construction area with construction fence



NOTE: DEPENDING UPON CONFIGURATION, ATTACH FABRIC TO WIRE MESH W/HOG RINGS, STEEL POSTS W/TIE WIRES, WOOD POSTS W/NAILS.

1. All work shall be performed in accordance with the Village of Glen Ellyn Specifications.

1. All work shall be performed in accordance with the Village of Glen Ellyn Specifications.
2. The contractor shall connect A.C.U.R.E. and the Village of Glen Ellyn a minimum of 48 hours prior to any excavation work.
3. The contractor shall provide protective fencing around all public areas. Protective fencing shall be snow fence installed under the dry line of each tree. There shall be no construction materials, debris, or equipment stored within the limits of the fencing. The protective fencing shall be maintained throughout the entire construction phase.
4. Any area disturbed by construction must be to the limits of the site shall be restored to the pre-construction condition. The contractor shall be responsible for taking photographs on video of the pre-construction condition.

All well-tensioned and erasable control devices shall be functional before and in accordance with the test. Such devices shall be conducted in such a manner as to minimize erosion. Soil stabilization measures shall consider the type of soil conditions and the use of temporary or permanent measures.

The surface of exposed areas shall be permanently or temporarily protected from soil erosion within 15 days after the grade is reached. Stripped areas not cut full grade shall remain undisturbed from erosion less than 15 days after initial disturbance shall be prevented from erosion. If a strip is to remain in place for more than 15 days, then sediment and erosion control devices shall be installed.

Storm sewer inlets shall be protected with sediment trapping or filter control devices during construction. Water pumped or otherwise discharged from the site during reconstruction dewatering shall be filtered.

Any pile, mud or debris washed, tracked, or deposited onto the street shall be removed prior to the end of each working day.

Vehicle access to the site shall be necessary to a gravel drive. Soil drive shall be installed before any construction begins on the turn of gravel.

1. Install Tree Protection Fence and perform root grouting per plan for all protected trees prior to any construction activity.

2. No shoring should be done within the Tree Protection Zones for any construction activity unless pre-approved by Building Department and Forestry staff.
3. No grade changes shall be done within the Tree Protection Zones of any tree that is on any construction activity.
4. Should it be necessary to branch within the TPZ for utility work, including disconnection or copping of limbs, all branches shall be hand saw. No power limbs that cut away from the trunk for use or after otherwise is feasible. All smaller limbs that require cutting must be cut by hand using saws. Cuts shall be made to branch with the side of the branch. If any time twenty-five (25%) of the cross section of the TPZ is being cut by hand saw by a branch, then the limb shall be cut and relocated or installed to go as branch-less into the ground.
5. Locate the proposed water and sewer lines outside of the Tree Protection Zones or install the sewer and water lines in the ground and run deeper through the area of the Tree Protection Zones, locate pipe outside of the Tree Protection Zones.
6. At no time call any equipment, materials, supplies or fill will be allowed in the Tree Protection Zones. Do not store equipment and/or the dumpster within the drip-line of the pathway to the tree.

I hereby certify that this plan was prepared under my direct supervision, and pictorially represents the information obtained from field survey performed on November 10, 2021 along with data obtained from public sources, including utility atlas information and previous surveys and drawings pertaining to the site and adjoining properties.

Dated at Bartlett, Illinois,
This 15th day of November, 2021.

Raymond G. Ulreich
Raymond G. Ulreich, R. Licensed Professional
Engineer No. 062-040213, Expires 11/30/2021



5N557 Route 59
Bartlett, IL 60103
630-549-5506
taunuseng@abcglobal.net

Design Firm 184.002441-0002

Prepared For:	Property Address:	original plan date	Series: 1-10
Whelan Builders, Inc. 177 Forest Avenue Glen Ellyn, IL 60137	717 Forest Avenue Glen Ellyn, IL Project 21-90	Revision:	Date

TYPICAL DETAILS FOR SILT FENCE CONSTRUCTION

MEMORANDUM

TO: Kelly Purvis, Planning Manager, Village of Glen Ellyn
FROM: Alicia Burchacki IL-9097A, Hampton, Lenzini, and Renwick, Inc.
DATE: January 7, 2022
RE: 737 Forest Avenue – Tree Preservation

It is my understanding that the Village received a draft plan for the demo and new single-family residence at 737 Forest Avenue. A variance has been requested to develop more than 20% of the lot to help preserve oak trees on the property. The specific white oak trees in question are numbers 9, 11, 14, and 16. It is in my professional opinion that these trees, specifically numbers 14 and 16, would do best if the existing detached garage was demoed without being rebuilt. Trees 14 and 16 are approximately two feet from the current structure and it is likely they have adjusted to the current structure; roots likely have grown around it and would be minimally disturbed by removal. A new structure would likely cause more ground disturbance and the need for root pruning, especially if the size of the detached garage were to change.

Proposed tree removal includes a white oak (#6), two elms (#12 and 17), and a mulberry (#13). With questions around preserving the shagbark hickory tree (#4) and a white oak tree (#8). As shown on the submitted plan set. According to the Villages Ordinance No. 5961, regarding Tree Preservation on Private Property, significant trees are defined as "All hickory, oak, or walnut species in the Village measuring five (5) inches D.B.H. or greater. These trees are Protected Trees unless the owner of the tree designates them as non-protected." Based on the above and the resident wanting to save significant trees on the property, I would recommend not removing trees number 4 (shagbark hickory) and 8 (white oak); as those species are considered significant and would be a value to the Village as a whole. This may require changing the plans for the screened in porch and the driveway footprint, however the preservation of these two significant trees would show effort on the part of the homeowner in wanting to preserve significant trees within the Village.

Tree number 6, which is also a white oak, is proposed to be removed. This tree is very close to the current home and may become a safety issue if saved. It is likely root pruning would need to be done and with it being so close to the structure would be more than ¼ of the roots, which could damage the health of the tree causing stress and possibly death. The tree could also cause damage to the aboveground structure in storm events, through branch loss, shading of the roof causing moss or algae growth, and potential scraping of the structure. I agree with the decision to remove tree number 6.

Davey evaluated and assessed the trees on site and directly adjacent to the subject property. I agree with most of the tree condition designations and disagree with the assessment for tree number 8 and 4. In my professional opinion if the proposed residence is a proper distance from tree number 8 that it would not negatively affect the health and survival of the tree. Unless the plans for the current design are not changed and the construction would be within 25 feet of the tree. Tree number 4 does have a dead branch however, I do not agree that the removal of the branch will significantly affect the aesthetics.

PIN 05-11-112-003
Zoning Class R-2

FLOOD PLAIN NOTE
There is no flood plain on this property.

WETLAND NOTE
There are no identified wetlands on the property.

Lot Development Plan - Existing Conditions & Erosion Control

The Northern 50.0 feet of the Southern 100 feet (measured on the East and West lines) of Lot 6 in block 18 in Glen Ellyn Addition to Prospect Park, being a subdivision in Section 11, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1890 as document 42887, in DuPage, Illinois.

REFERENCE DUPAGE COUNTY BENCH MARK
Benchmark # M03002
3.5 inch brass disk set at the southeast corner of the intersection of Geneva Road & Bloomingdale Road.
Elevation = 700.01 (NAVD 88)

SITE BENCH MARK
Rm of solitary mark in the center of the road approximately 10' south of the lot.
Elevation = 752.58

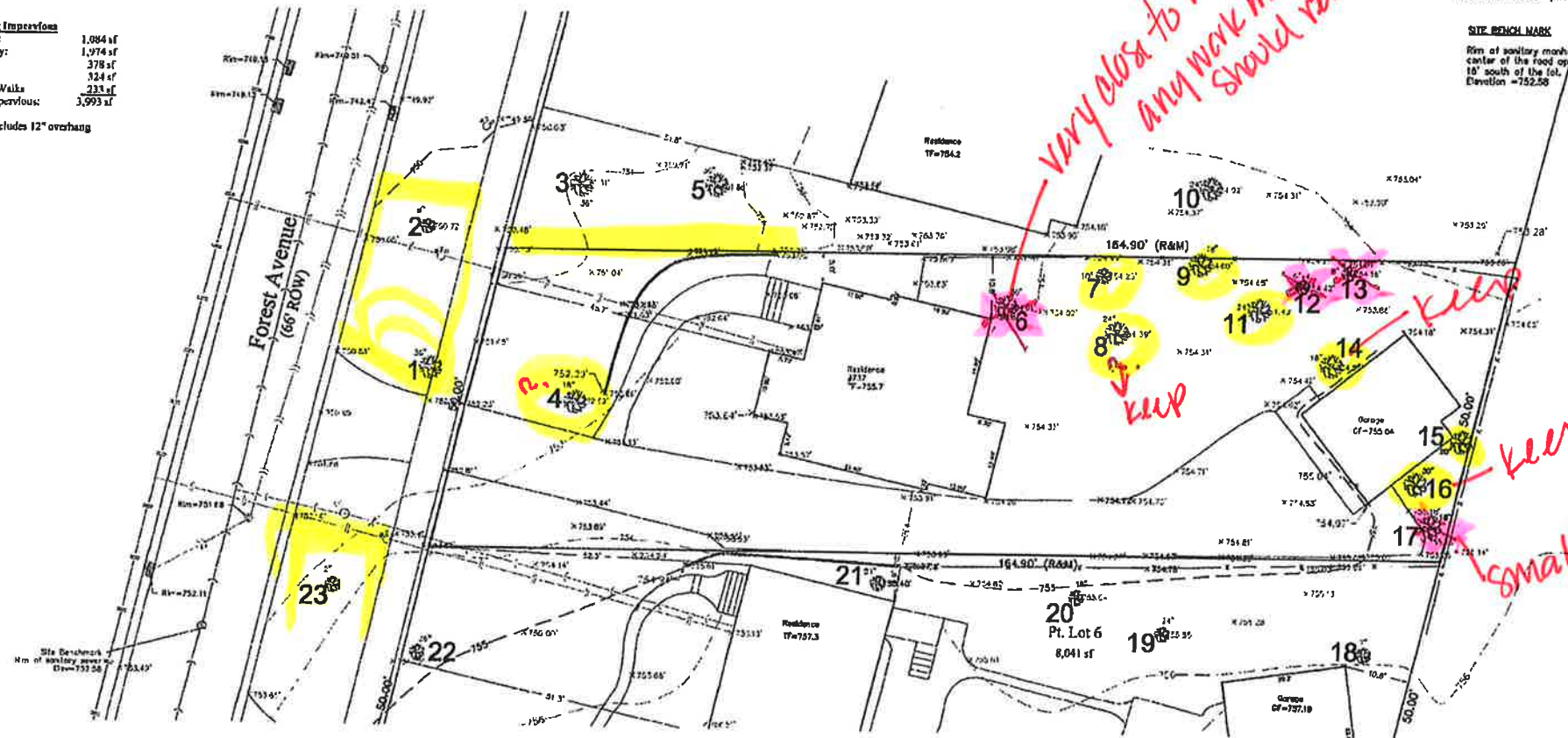
Legend

- Land
- TF = Top of Foundation
- GF = Garage Floor
- LO = Lot Out
- WO = Walk Out
- TO = Top of Oak
- BF = Back of Bush
- FD = Filled Grade
- P.U.E. = Public Utility Easement
- O.E. = Ordinance Easement
- CL = Center Line
- 100.00' = Proposed Easement
- 100.00' = Existing Easement
- Existing Contour
- Proposed Contour
- B-Belt
- Storm Manhole
- San Manhole
- Valve Vault
- Fire Hydrant
- Down spout
- Drainage Pipe
- Watermain
- Storm Sewer
- Sanitary Sewer
- East. Tree
- Remove Tree
- Proposed Easement

Existing Improvements

House #:	1,084 sf
Driveway:	1,974 sf
Garage:	378 sf
Apex:	324 sf
Entry & Walks:	231 sf
Total Improvements:	3,993 sf

* Includes 12" overhang



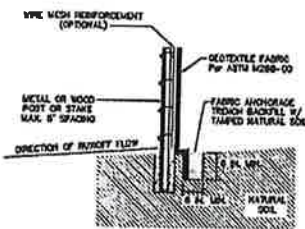
Survey Information

Boundary dimensions, building dimensions and offsets are based on Plat of Survey prepared by Professional Land Survey, Inc. dated March 31, 2021.

Surround the construction area with construction fence

Typical Construction Sequence

1. Install and erosion and sediment control measures.
2. Tree removal where necessary (clear & grub).
3. Construct sediment trapping devices.
4. Strip topsoil and stockpile.
5. Excavate for basement and stockpile.
6. Install foundation.
7. Backfill foundation and rough grade sides.
8. Re-spread Topsoil.
9. Fine grade and permanently stabilize site.
10. Remove all temporary S&S measures after site is stabilized with vegetation.
11. Soil erosion and sediment control maintenance must occur every two weeks and after every 2" or greater rainfall event.



NOTE: DEPENDING UPON CONFIGURATION, ATTACH FABRIC TO WIRE MESH W/ 6000 PDS. STEEL POSTS W/ 1/2\"/>

TYPICAL DETAILS FOR SILT FENCE CONSTRUCTION

Construction Notes

GENERAL

1. All work shall be performed in accordance with the Village of Glen Ellyn Specifications.
2. The contractor shall obtain LULU E and the Village of Glen Ellyn a minimum of 48 hours prior to any construction work.
3. The contractor shall provide a protective fencing around all parking areas. Protective fencing shall be snow fence installed under the dry line of curb line. There shall be no construction materials, debris, or equipment stored within the limits of the fencing. The protective fencing shall be maintained throughout the entire construction period.
4. Any work disturbed by construction shall be the same as the site shall be restored to the pre-construction condition. The contractor shall be responsible for taking photographs or video of the pre-construction condition.

EROSION CONTROL

1. All erosion and sediment control devices shall be functional before land is disturbed on the site. Soil disturbance shall be conducted in such a manner as to minimize erosion. Soil stabilization measures shall consider the type of soil, the condition of the soil, and the use of temporary or permanent measures.
2. The surface of all graded areas shall be permanently stabilized within 14 days after final grade is reached. Graded areas not to be stabilized shall be covered with straw or mulch within 14 days after final grade is reached. If a silt fence is to remain in place for more than 1 day, then sediment and erosion control devices shall be provided for silt fence type.
3. Storm water shall be prevented with sediment trapping or if for erosion devices during construction. Water pumped or otherwise discharged from the site during construction shall be filtered.
4. Any soil, mud or debris washed, tracked, or deposited onto the street shall be removed prior to the end of each working day.
5. Vehicles moving to the site shall be restricted to a gravel drive. Soil drive shall be hauled before any construction begins on the lot of foundation.

TREE PROTECTION NOTES

1. Install Tree Protection Fence and perform root grinding prior to any protected tree prior to any construction activity.
2. No trenching shall be done within the Tree Protection Zone for any construction activity unless pre-approved by Building Department and Forestry staff.
3. No grade changes shall be done within the Tree Protection Zone of any tree for any construction activity.
4. Should it be necessary to trench within the TPZ for utility, including disconnection or tapping of existing utilities, all trenches shall be hand dug. No trench larger than two (2') shall be cut unless one other alternative is approved. All trenching shall be done within the Tree Protection Zone. A 12\"/>

CERTIFICATION

I hereby certify that this plan was prepared under my direct supervision, and pictorially represents the information obtained from field survey performed on November 10, 2021 along with data obtained from public sources, including utility office information and previous surveys and drawings pertaining to the site and adjoining properties.

Dated at Berwyn, Illinois,

This 15th day of November, 2021.

Raymond G. Ulrich
Raymond G. Ulrich, a Licensed Professional Engineer No. 062-040213, Expires 1/30/2021

RAY WHALEN BUILDERS, INC.
P.O. BOX 3380
GLEN ELLYN, ILLINOIS 60138-3380
January 6, 2022

737 FOREST AVENUE, GLEN ELLYN

Tree No.	Tree Description			Classification				Action			
	Species	Condition	D.B.G.	Parkway Tree	Private Tree	Protected Tree	Unprotected Tree	Remove	Root Prune	Crown Prune	Fertilize
1	Burr Oak	fair		x		x					
2	Silver Maple	fair		x		x					
3	Red Oak	fair		x		x					
4	Shagbark Hickory	fair			x		x	x			
5	White Oak	good		x		x					
6	White Oak	fair			x		x	x			
7	Ironwood	fair			x		x				
8	White Oak	fair			x		x	x			
9	White Oak	fair			x		x				
10	White Oak	fair		x		x					
11	White Oak	fair			x		x				
12	Elm	poor			x		x	x			
13	Mulberry	poor			x		x	x			
14	White Oak	fair			x		x				
15	Elm	fair			x		x				
16	White Oak	fair			x		x				
17	Elm	poor			x		x	x			
18	Elm	poor		x		x					
19	White Oak	good		x		x					
20	Hickory	good		x		x					
21	White Oak	poor		x		x					
22	White Oak	poor		x		x					
23	Buckeye	good		x		x					
24											

very close to work may cause safety issues
x as needed

















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

Meeting 2/28/2022 7:00 PM
Department: Administration
Department Head:
Category: Presentation
Prepared By:

**AGENDA ITEM (ID # 2022-
1951)**

DOC ID: 2022-1951

General Manager Vesevick will present the Year End Financial Report for the Village Links/Reserve 22 Fiscal Year 2021.

Statement of the Issue:

General Manager Vesevick will present the Year End Financial Report for the Village Links/Reserve 22 Fiscal Year 2021.

Analysis:

See attached.

Budget Impact:

Action Requested:

Attachments:

1. 2021 Q4 Report-Final



VILLAGE LINKS
G L E N E L L Y N

RESERVE
— 22 —
TWENTY-TWO

4th Quarter – 2021

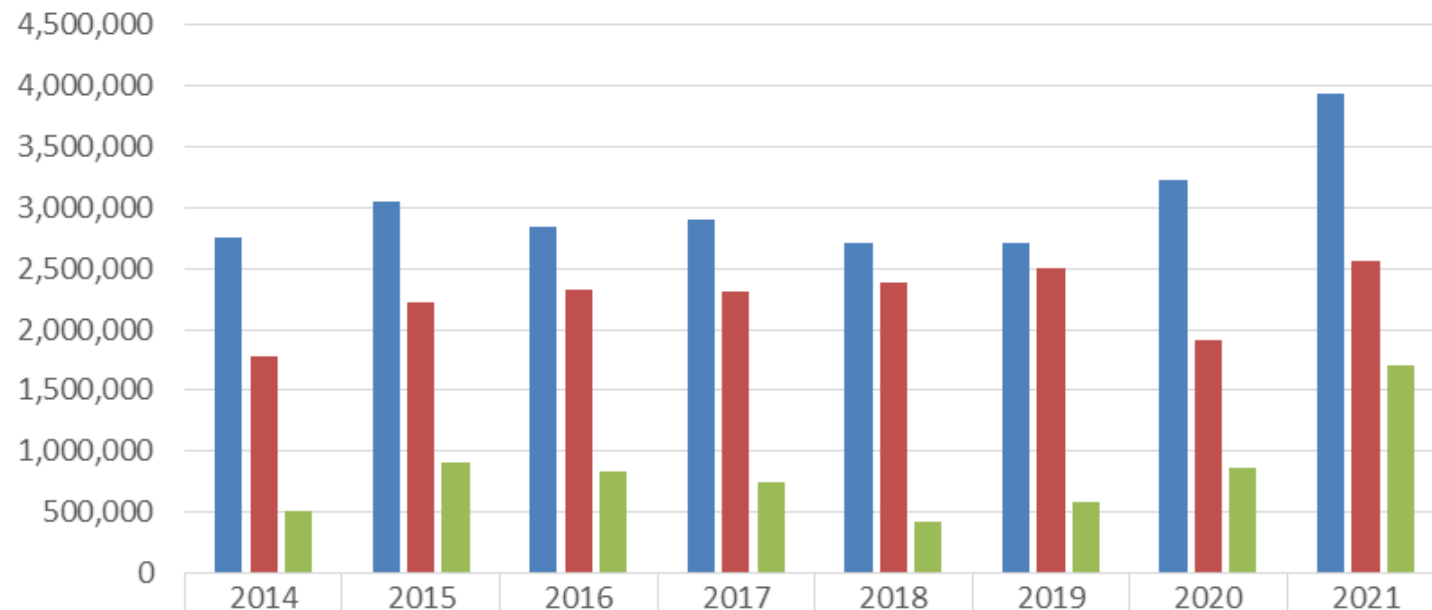
Final Results

2021 Accomplishments

To enhance Glen Ellyn Community living by providing outstanding recreational and dining opportunities, while providing storm water protection, at no cost to the taxpayer

- Survived severe labor shortages in F&B and Grounds
- Highest Profit Margin for Reserve 22 in 8-year history (10.4%)
- Increased Revenue 28%, Operating Expense 13%; Operating Profits 96%
- Increased Cash Reserves 132% (118% of Policy-currently)
- Maintained high marks for Guest Satisfaction ratings

YTD REVENUE/PROFITABILITY



■ GOLF	2,754,777	3,053,355	2,846,473	2,899,071	2,706,756	2,714,195	3,227,688	3,942,361
■ RESERVE 22	1,779,922	2,218,967	2,319,158	2,310,146	2,383,915	2,507,106	1,911,615	2,567,335
■ PROFIT	513,408	906,292	834,089	750,381	415,848	579,380	868,323	1,703,267

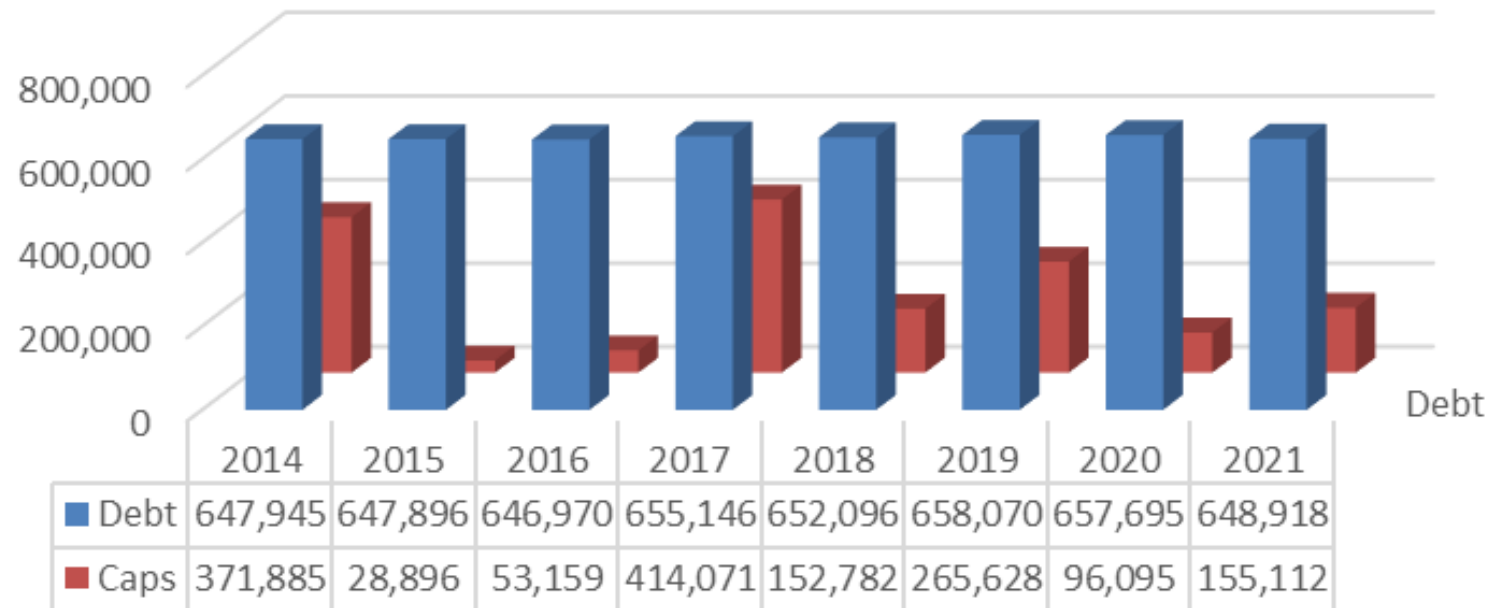
Rounds up 8%

**Golf Revenues up 20%
(+\$714K)**

**Reserve 22 Revenues up 34%
(\$656K)**

**Village Links/Reserve 22
Operating Profits up 96%
(+\$835K)**

Operating Profit, Debt, & Capital

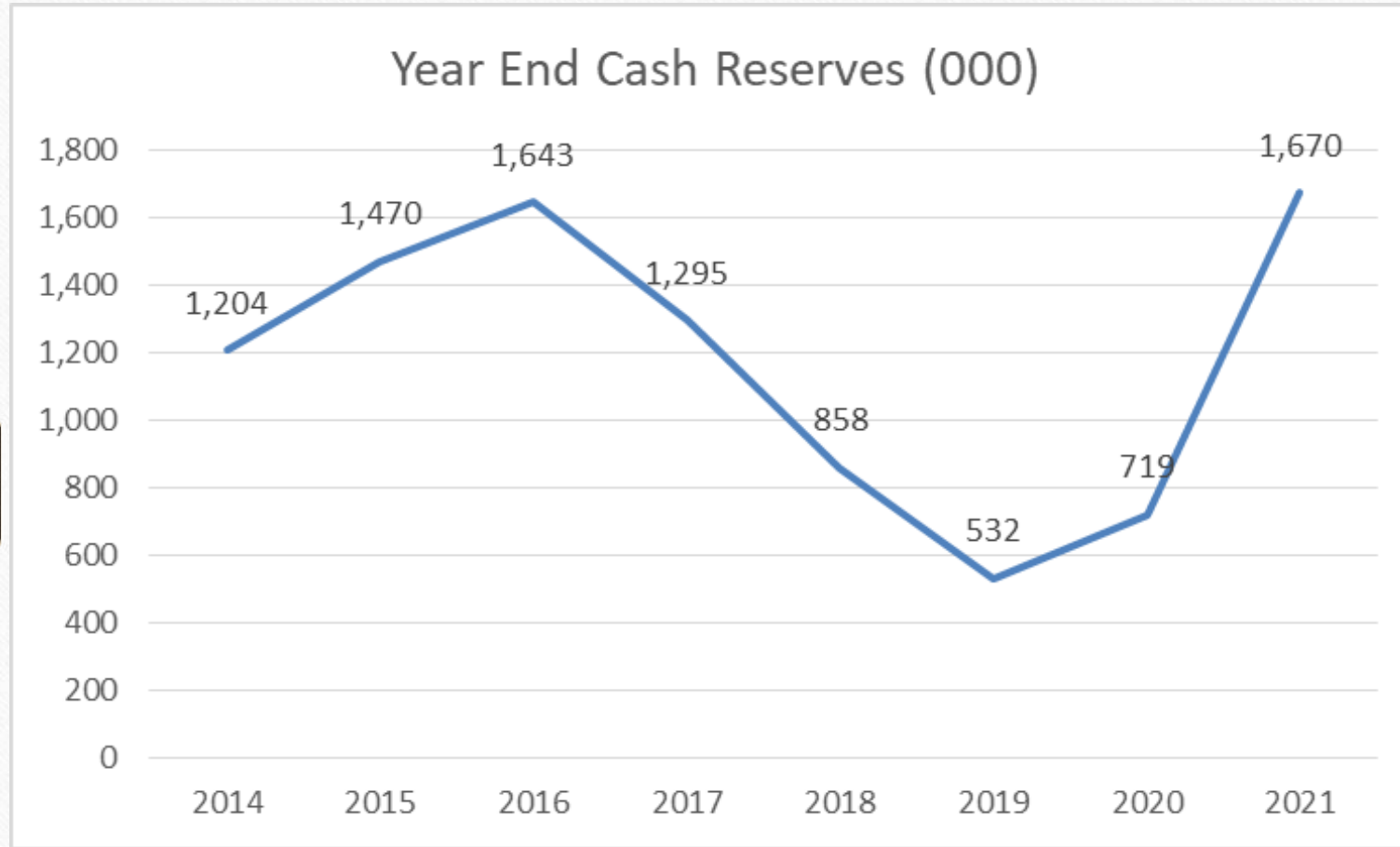


Since 2014:

Operating Profits = \$6.55M

Debt Retired = \$5.21M

Capital = \$1.54M



- **Improved Cash Reserves 214% in 2 years (\$1.14M)**
- **Subsidizes Operating Profits to cover Debt and Capital Replacement, while remaining no burden to taxpayer**
- **Debt Service will be reduced: \$222K in 2022, and additional \$125K in 2023**
- **Debt will average \$310K 2024 thru 2032**

VILLAGE LINKS / RESERVE 22
MONTHLY CASH INCREASE/DECREASE HISTORY (000)

	<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	<u>APR</u>	<u>MAY</u>	<u>JUN</u>	<u>JUL</u>	<u>AUG</u>	<u>SEP</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>
2014	(112)	(270)	(77)	50	130	30	306	177	138	10	(148)	(663)
2015	(100)	(63)	9	67	80	153	356	352	239	(97)	(42)	(689)
2016	(114)	(20)	41	(109)	206	296	186	237	160	36	(76)	(671)
2017	(114)	42	(218)	(57)	(11)	223	328	291	72	(69)	(151)	(681)
2018	(113)	(50)	(157)	(56)	216	153	291	92	165	(102)	(160)	(716)
2019	(144)	(53)	(138)	(136)	99	304	319	171	146	(64)	(148)	(680)
2020	(173)	(21)	(43)	(225)	69	516	237	500	214	(23)	(21)	(843)
2021	(135)	(26)	96	172	371	412	220	447	272	127	(137)	(852)
Avg	(126)	(58)	(61)	(37)	145	261	280	283	176	(23)	(111)	(724)
Best	(100)	42	96	172	371	516	356	500	272	36	(21)	(671)
Worst	(173)	(270)	(218)	(225)	(11)	30	186	92	72	(102)	(160)	(843)

The Year(s) Ahead

- **Maintain top of mind in Golf and F&B**
- **Annual Assessment of Market Position and Pricing**
- **Recover from labor crunch**
- **Consistent expense monitoring and efficient use of labor (Minimum Wage)**
- **Capital Improvements will include \$150k for sound system for 2022**
- **New Golf Carts for 2022 at 2021 pricing**



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

Meeting 2/28/2022 7:00 PM
Department: Administration
Department Head:
Category: Presentation
Prepared By:

**AGENDA ITEM (ID # 2022-
1949)**

DOC ID: 2022-1949

Assistant Finance Director Brankin will present the Fiscal Year 2021 Year End Financial Report

Statement of the Issue:

Analysis:

Budget Impact:

Action Requested:

Attachments:

1. Year End Financial Report 2021

YEAR END FINANCIAL REPORT 2021

For the period January 1, 2021 to December 31, 2021



ABOUT THIS REPORT

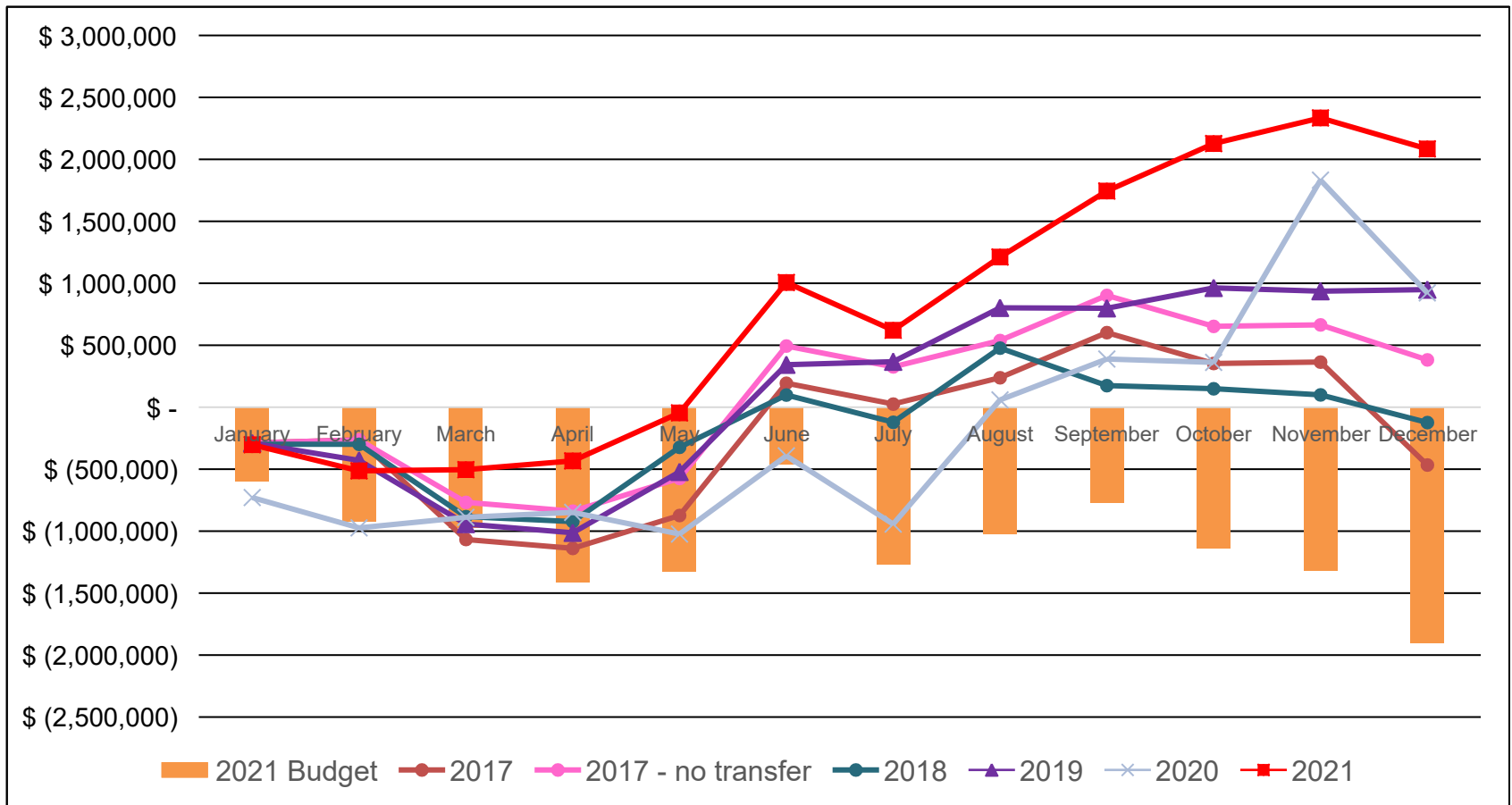
- **Covers the period January 1, 2021 to December 31, 2021, unless noted**
- **Unaudited**
- **Budget basis (cash basis)**
- **Report will be made available on the Village website**



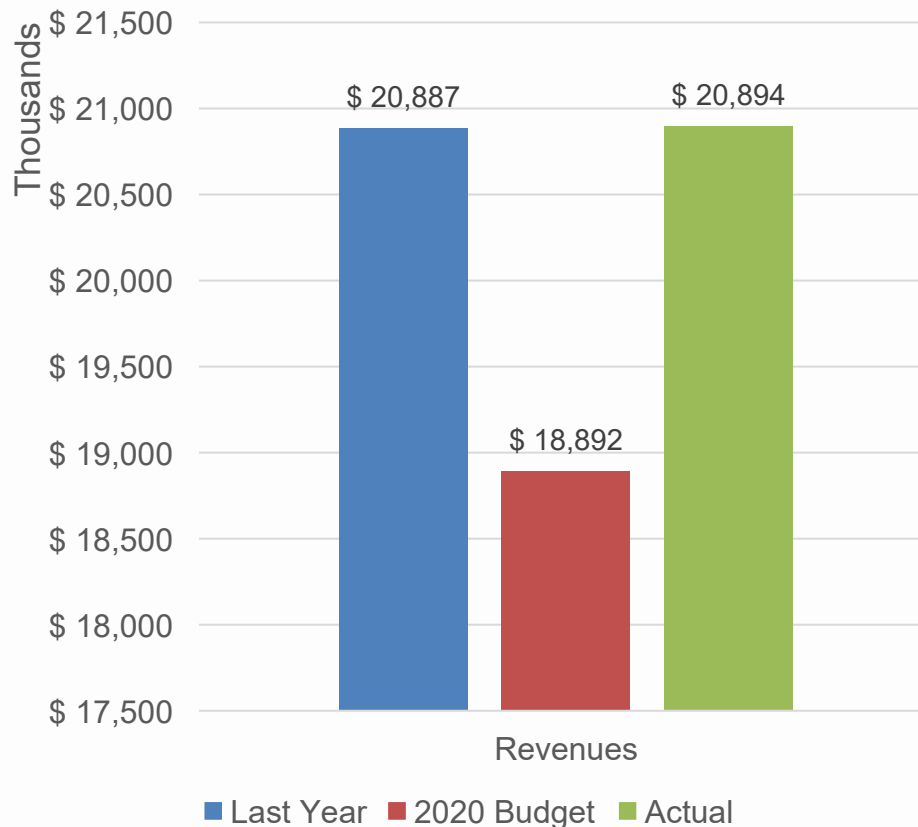
GENERAL FUND



General Fund – 5 year historical trend – Cumulative Change in Fund Balance



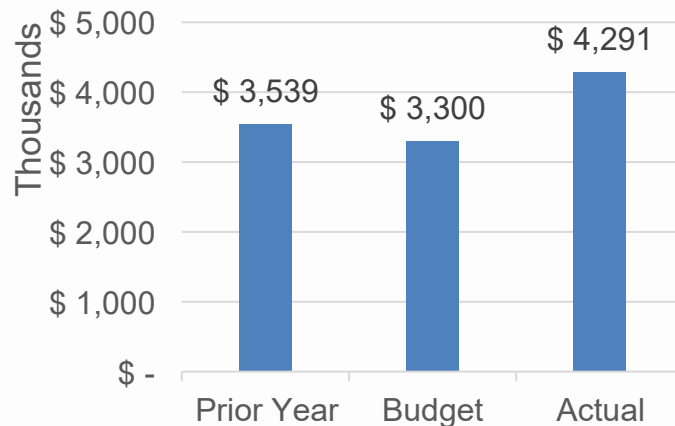
General Fund Revenues



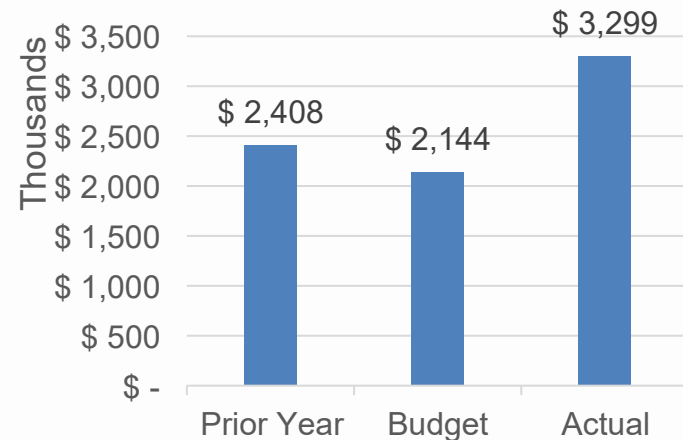
- Key Revenues performed well and were largely responsible for good revenue performance (discussed at next slide)
- Change in internet sales tax legislation increased sales tax
 - Amazon is now one of the Village's top sales tax payers.

Sales Taxes – General Fund

Sales Tax

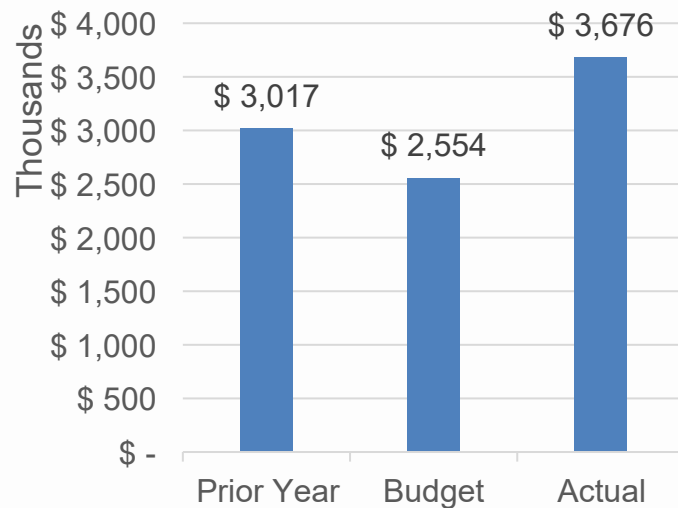


Home Rule Sales Tax



- Change in internet sales tax legislation greatly aided the Village.
- Amazon is now one of the top sales taxpayers for the Village

Income Tax – General Fund



- Income tax continues to benefit from an improving labor market, strong corporate returns and higher estimated tax payments
- Current estimate for FY22 @ \$132.20 per capita or \$3.813M (versus fy22 budget of \$3.393M) – From IML dated February 2022.

Other General Fund Revenue Trends

Positive

- Police Service Reimbursements – Increased for additional crossing guard hours reimbursed due to split Covid schedule

Negative

- Vehicle Licenses - \$36,353 below budget – downward trend last three years in stickers purchased
- Business Registration - \$85,000 below budget; this fee was waived this year due to COVID-19.
- Liquor licenses - \$26,612 below budget.
- Building Permits - \$182,243 below budget – Glenwood Station permit in FY22.
- Reimbursements – Other Agencies - \$18,791 – Glen Oak Reimbursement less than budgeted.
- Police/Court Fines/Adjudication - \$63,984 below budget – Hearings deferred during the pandemic; tickets also down.
- Investment Income - \$28,884 below budget – Interest rates at historic lows in 2021.

General Fund Expenditure Trends – From Budget

Positive



Department	Amount below Budget	Reason
Village Manager	\$272,793 / 21%	Contingency budget for covid items not fully used
IT	\$92,460 / 11%	Under budget on computer equipment/projects
PW Admin	\$123,615 / 14%	Staff vacancies
PW Forestry	\$107,456 / 11%	Tree trimming savings/shift to next year
EMS	\$87,058 / 17%	Reimbursement payment to ambulance provider
Law	\$55,728 / 17%	Higher prosecutorial expenses

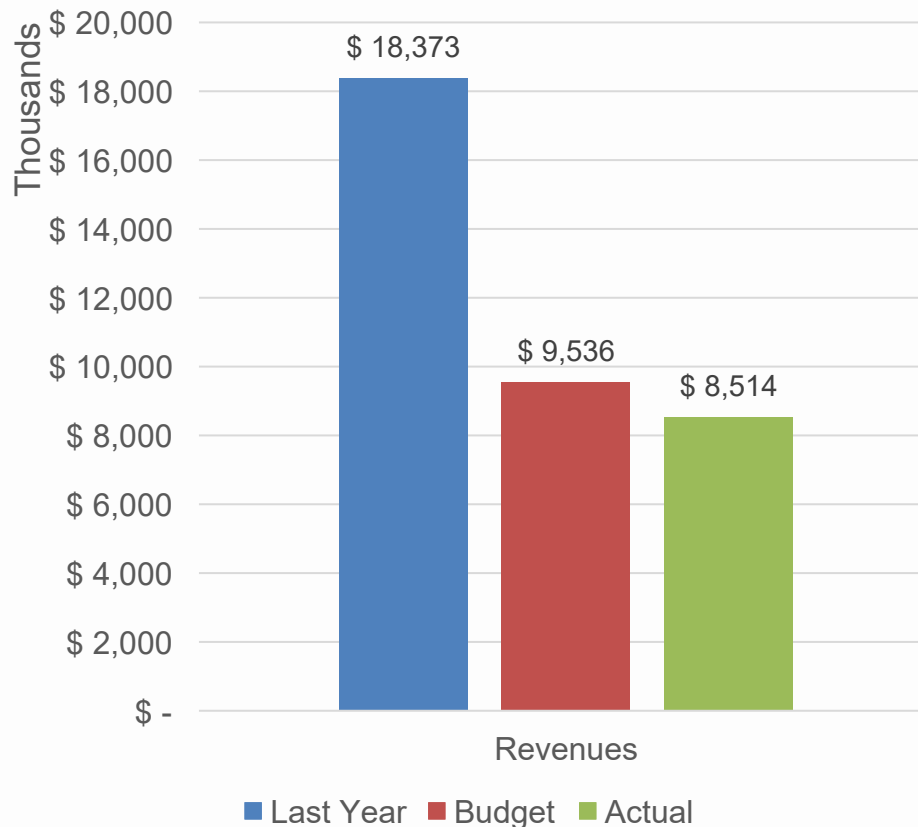
Negative



CAPITAL PROJECTS FUND

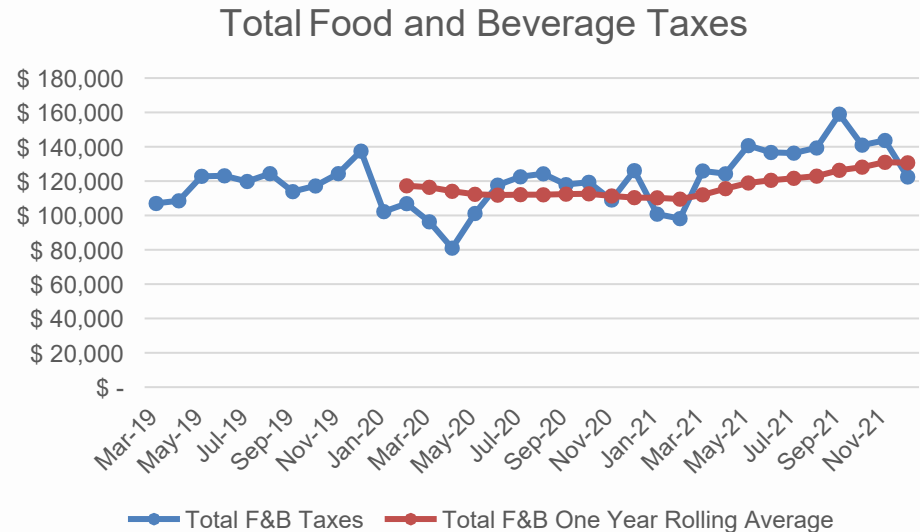
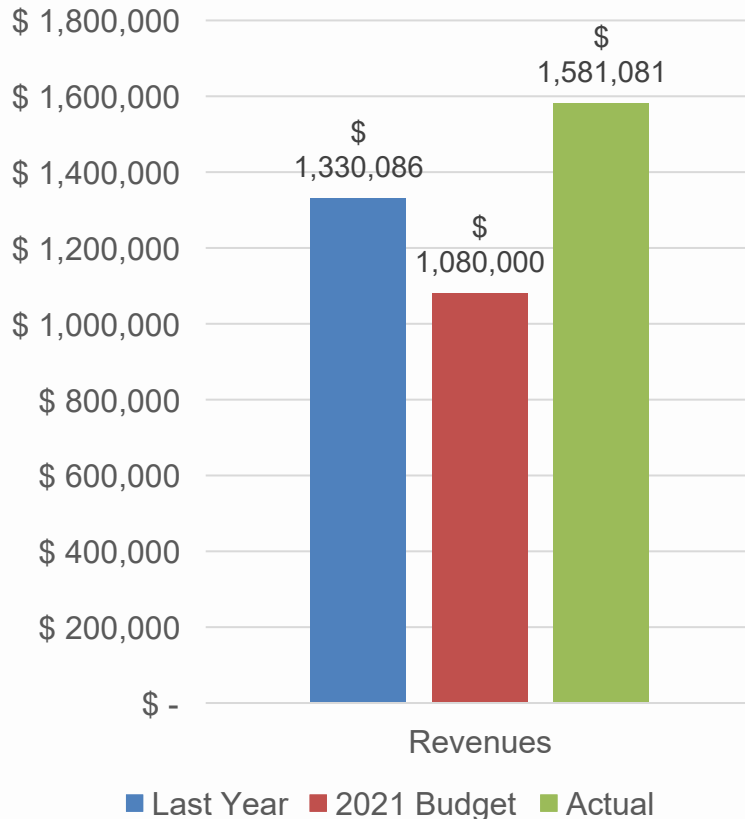


Capital Projects Fund Revenues



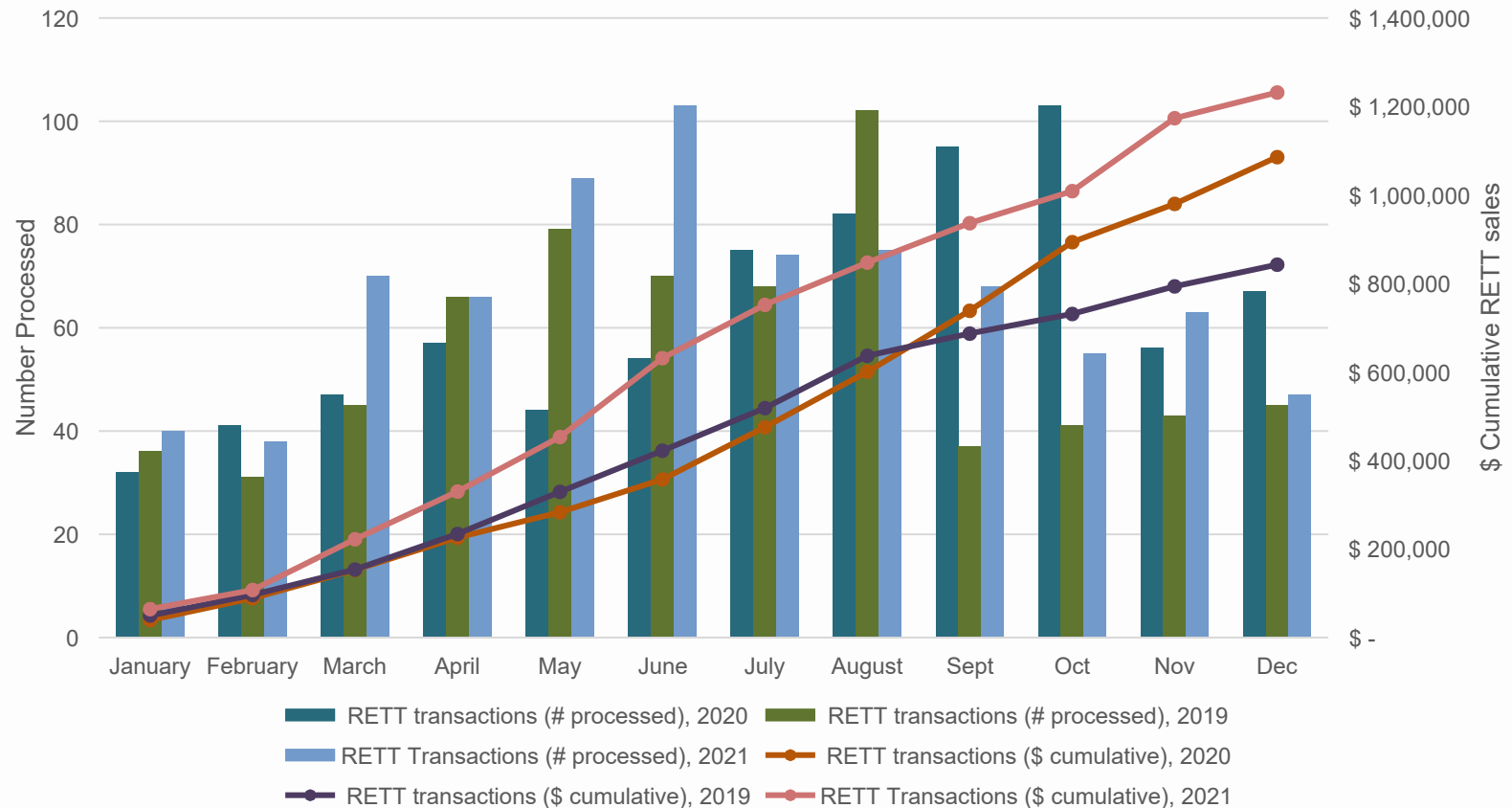
- Last year actual includes \$9.6 million in bond proceeds.
- Utility taxes continued to perform below budget, coming in at 89% of budget (\$1.82 million budgeted versus \$1.61 actual.)
- Food and beverage taxes exceeded budget (see next slide for additional analysis)
- Federal grant revenue shifted to FY22 (\$863K)

Food and Beverage Revenues



- Food & Beverage far exceeded budget
- Rolling trend shows slight increase

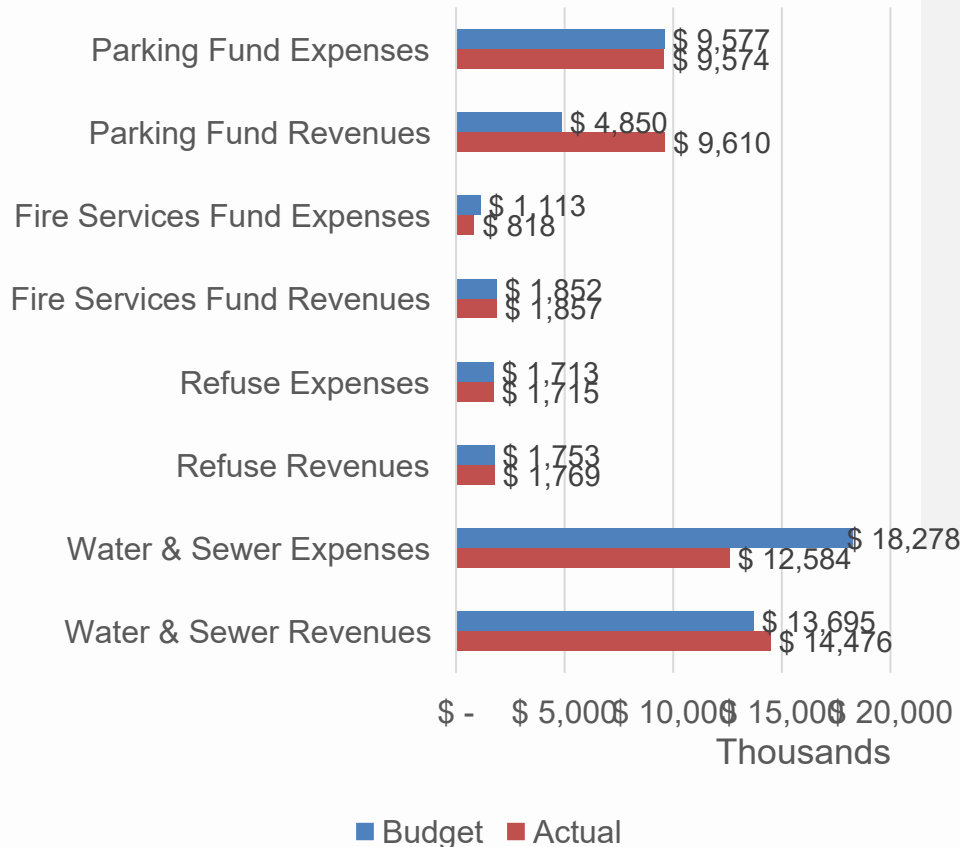
Real Estate



VILLAGE SERVICES FUNDS



Village Services Funds



- EMS Fee began December 2021.
- Fire Service Expenditures were under budget as a vehicle purchase was deferred.
- Water & Sewer revenues have exceeded budget. Connection fees were higher than budgeted due to developments. Metered revenue is also over budget as everyone continued to work at home.
- The deferral of capital projects reduced expenses below budget for Water & Sewer.
- The CBD Parking Garage was completed in May 2021.

Other Notable Items



Other Funds

American Rescue Plan Act (ARPA) Fund

- First payment of \$1.88M was received in 2021.

TIF Funds

- TIF increment increased more than budgeted. CBD TIF increment was \$523K (budget \$462K) and Roosevelt Road TIF increment was \$146K (budget \$145K)

Forfeiture Fund

- Only \$20K in Forfeiture proceeds was received in FY21

Village Links

- See the Village Links/Reserve 22 Manager's Report and Financial Statements for FY 2021 as a separate report.

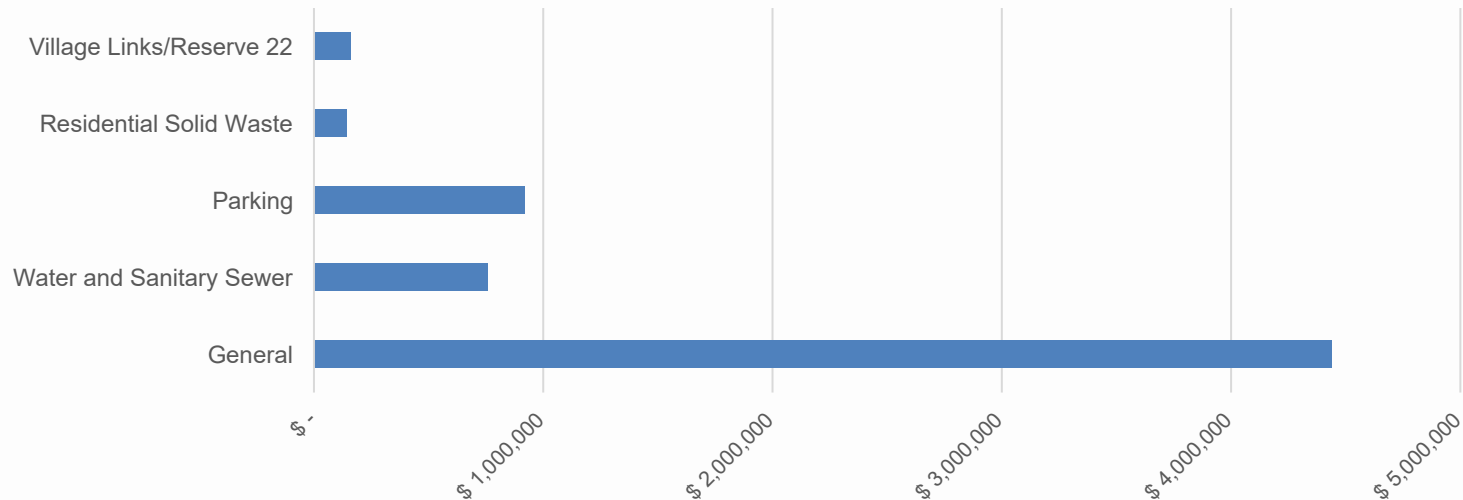
Budget Amendments

The following funds will require a budget amendment for 2021. It is possible with audit accruals, an additional amendment or revision may be required

Fund	Amount	Reason
Forfeiture Fund	\$222,208	Annually required due to federal program budget and supplanting rules
Refuse	\$2,000	Greater consumer activity with 65 and 95 gallon as well as compost due to Covid-19.
Police Pension Fund	\$426,000	Portability pension payments to other pension funds required by state statute.

Cash Reserves

Cash Reserves Above Policy Level



- All funds exceed their policy level.
- The excellent performance of the General Fund in FY22 has increased the amounts over the reserve policy. As discussed during the budget process, the Board and staff will review and determine how to proceed with these amounts as part of the audit review process in June/July.

2020 BONDS

Use	Amount Drawn
Parking Garage/CBD Streetscape	\$8,613,014

- Balance in bond account as of 12/31/21 was \$1,243,109.64
- This will be drawn for the streetscape project.

POLICE PENSION INVESTMENT PERFORMANCE

	3mo	1 YR	3 YR	5 YR	10 YR
Fund performance, net of fees	4.0%	11.2%	12.1 %	8.3%	6.9%

Long term target – 6.5%

- Marquette Associates took over management of the portfolio in January 2017. The rate of return over that time frame has been 7.4%

ATTACHMENT A – GENERAL FUND UPDATE – DECEMBER 31, 2021



ATTACHMENT B – CASH AND INVESTMENTS REPORT – DECEMBER 31, 2021



ATTACHMENT D – ALL FUNDS SUMMARY – DECEMBER 31, 2021

