

AGENDA
Glen Ellyn Zoning Board of Appeals Meeting
Tuesday, March 8, 2022, 7:00 p.m.
Remote Meeting, Via Zoom



This meeting will be conducted by video conference without a physically present quorum of the Glen Ellyn Zoning Board of Appeals because of a disaster declaration related to COVID-19 and public health concerns affecting the Village of Glen Ellyn. The Chairperson of the Zoning Board of Appeals has determined that an in-person meeting at the Civic Center is not practical or prudent because of the disaster. The Chairperson, members of the Zoning Board of Appeals, Village Manager, and Village Attorney will not be physically present at the Civic Center because their attendance is unfeasible due to the disaster. Physical attendance at the Civic Center by the public is also not feasible because of the disaster.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85458577166?pwd=OUkxSi9tUDAvbHV3cTdVcVBXdlFsZz09>

Passcode: 856699

Or One tap mobile:

US: +13126266799,,85458577166#,,,,*856699# or +13017158592,,85458577166#,,,,*856699#

Or Telephone:

Dial: 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: 854 5857 7166

Passcode: 856699

A. Call to Order

B. Public Comment (Non-Agenda Items)

C. Approval of the Draft Minutes from the ZBA Meeting February 1, 2022.

D. Public Hearings.

1. 333 Merton Avenue

Elizabeth and Thomas Berdelle, owners of the property at 333 Merton Avenue are requesting a construction necessitated zoning variation from the Zoning Code to amend the conditions of approval of Ordinance No. 5315 to allow a screen patio room addition to remain enclosed with solid windows.

2. 791 Willis Street

David and Christina Morrison, owners of the property at 791 Willis Street are requesting a variation from the Zoning Code to allow a front yard setback of 17.1

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feet where a front yard setback of 30 feet is required for the construction of a one-story addition to an existing principal structure in the R2 Residential District.



3. 249 Kenilworth Court

Richard and SuzAnne Cholewinski, owners of the property at 249 Kenilworth are requesting construction necessitated zoning variations from the Zoning Code to allow the existing building addition, deck, water garden, walkway, and excessive impervious surface coverage to remain.

E. Village Board Trustee Report.

F. Chairman's Report.

G. Staff Report.

H. Other Business and Adjourn.

cc: ZBA Members
Anne Gould, Trustee Liaison
Atrian Fard, Staff Liaison
Barbara Dutton, Recording Secretary
Staci Springer, Community Development Director
Kelly Purvis, Planning Manager
Steve Witt, Building & Zoning Official
Taylor Gendel, Associate Planner
Lori Gloude, Administrative Assistant
Mark Franz, Village Manager
Emily Rodman, Assistant Village Manager
Brian Baltudis, Facilities Manager

This note provides you with information regarding what happens to a petition after it has appeared before the Zoning Board of Appeals. After the Board makes a recommendation on a petition, a report of the meeting is prepared. Then, the petition, along with the summary report and all pertinent material, is scheduled for consideration by the Village Board. The Village Board meets on the second and fourth Mondays of each month at 7:00 p.m. Questions regarding petitions scheduled for review by the Village Board should be directed to the Community Development Department at (630) 547-5250.



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

Meeting 3/8/2022 7:00 PM
Department: Community Development
Department Head: Staci Springer
Category: Minutes
Prepared By: Atrin Fard

**AGENDA ITEM (ID
2022-1985)**

DOC ID: 2022-1985

Draft Minutes from February 2022 ZBA Meeting

Statement of the Issue:

Please see attached.

Analysis:

Please see attached.

Budget Impact:

Please see attached.

Action Requested:

Please see attached.

Attachments:

1. 2-1-22 ZBA Meeting Minutes-DRAFT

**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



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

Meeting 3/8/2022 7:00 PM
Department: Community Development
Department Head: Staci Springer
Category: Public Hearing
Prepared By: Kelly Purvis, Taylor Gendel, Atrin Fard

AGENDA ITEM (ID
2022-1986)

DOC ID: 2022-1986

333 Merton Ave.

Elizabeth and Thomas Berdelle, owners of the property at 333 Merton Avenue, are requesting a construction necessitated zoning variation to amend the conditions of approval of Ordinance No. 5315 to allow a screen patio room addition to remain enclosed with solid windows.

Statement of the Issue:

Please see attached staff report.

Analysis:

Please see attached staff report.

Budget Impact:

N/A

Action Requested:

Please see attached staff report.

Attachments:

1. Staff Report
2. 1. Aerial Photograph of site and surrounding properties
3. 2. Zoning Use Map
4. 3. Petitioners' Application Packet Submitted February 14, 2022
5. 4. Petitioner's Statement of Purpose
6. 5. Ordinance 5315, Adopted November 22, 2004
7. 6. Plat of Survey
8. 7. Elevations
9. 8. Before & After Photos
10. 9. Public Notice 333 Merton ZV
11. 10. Location Map for Public Hearing Notice
12. 11. Mailing List for Public Hearing

STAFF REPORT

TO: The Zoning Board of Appeals

FROM: Kelly Purvis, Planning Manager
Taylor Gendel, Associate Planner

DATE: February 16, 2022

SUBJECT: March 8, 2022 Zoning Board of Appeals Meeting
Public Hearing to amend the conditions of approval of Ordinance No. 5315, regarding the property located at 333 Merton Avenue.

PETITIONERS: The petitioners are Elizabeth and Thomas Berdelle, owners of the property at 333 Merton Avenue.

REQUEST: The property owners are requesting a public hearing to amend the conditions of approval of Ordinance No. 5315, which granted approval of a Variation from Section 10-4-5(E)1 of the Glen Ellyn Zoning Code, a variation from the lot coverage ratio limitation, to allow the construction of a screen patio room addition on the subject property.

The conditions to be amended held that:

1. The plan shall be revised to clarify that the addition is a screened porch and no more than a three-season room; and
2. The room shall not be enclosed with solid windows or converted to a four-season room, add insulation or heating without appearing for another variation.

The owners would like the ability for the room to be enclosed with solid windows and are therefore requesting an amendment to the Ordinance.

ZONING/ USE: The property is an interior lot located in the R2 Residential Zoning District on the east side of Merton Avenue just south of Turner Avenue. The zoning and land use immediately surrounding the subject property is R2 single-family residential.

PUBLIC NOTICE: Notice of the public hearing was published in the February 21, 2022 edition of the Daily Herald, mailed to property owners within 350 feet of the subject property, and a placard was placed on the property.

ZONING HISTORY: Village records indicate the following zoning variations were granted for this property.

<u>Date</u>	<u>Ordinance No.</u>	<u>Type</u>
2004	5315	Lot coverage ratio

**PERMIT
HISTORY:**

Village records indicate the following permits were issued for this property:

<u>Date</u>	<u>Permit No.</u>	<u>Type</u>
2012	20121193	Furnace, A/C, HVAC
2004	B24244	Screened Porch Addition
1998	B17518	Driveway Approach
1988	B10268	Fence
1967	B253	Single Family Home

**PROJECT
SUMMARY:**

The residence at 333 Merton Avenue was granted a variation on November 22, 2004 from Section 10-4-5(E)1 of the Zoning Code to allow the construction of a screened patio room addition that increased the lot coverage ratio to 23.8% in lieu of the maximum permitted lot coverage ratio of 20%. The variation was approved with the condition that the room not be enclosed with solid windows or converted to a four-season room, or add insulation or heating without appearing for another variation.

The current property owners and petitioners purchased the home in February of 2020 and were not told about the previously granted variation or conditions of approval by the seller. In the summer of 2021, the petitioners contacted Ultimate Home Solutions to contract a window installation. The petitioner's contactor, Dennis Bales of Ultimate Home Solutions, reached out to Village staff to request a permit to install "same for same" windows and was told that a permit was not needed. The window order was placed in July, and installation was completed in October 2021. The petitioners have spent \$16,000 on the window replacement.

Prior to installation, the screened porch had sustained damage due to exposure to the elements which caused wood to rot in the window casings, sub floor and exterior wall. Additionally, the petitioners have indicated that the hardwood floors were damaged, bowed and chipped. Ground fault circuit interrupter (GFCI) outlets were not installed, and water entry caused a safety hazard. The porch structure was not and will not be altered in any way other than replacing the screens with premium vinyl windows and adding siding to protect the structure from further damage.

Village staff was notified of the window replacement in January of 2022 and subsequently notified the homeowner of the original variance and

need for an amendment. The homeowners have complied with the Village's request and submitted an application for this amendment in a timely manner. The petitioners mention in their application that they have recently remodeled their kitchen in compliance with Village codes and have had every intention of following building regulations for all improvements accordingly. They explain that the purpose of adding windows was not to improve the property value nor make it a true addition to their home, as the space remains uninsulated and will not be usable in the winter. Rather, the windows ensure the existing structure will remain in good standing and prevent further structural issues.

ZBA

ACTION:

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

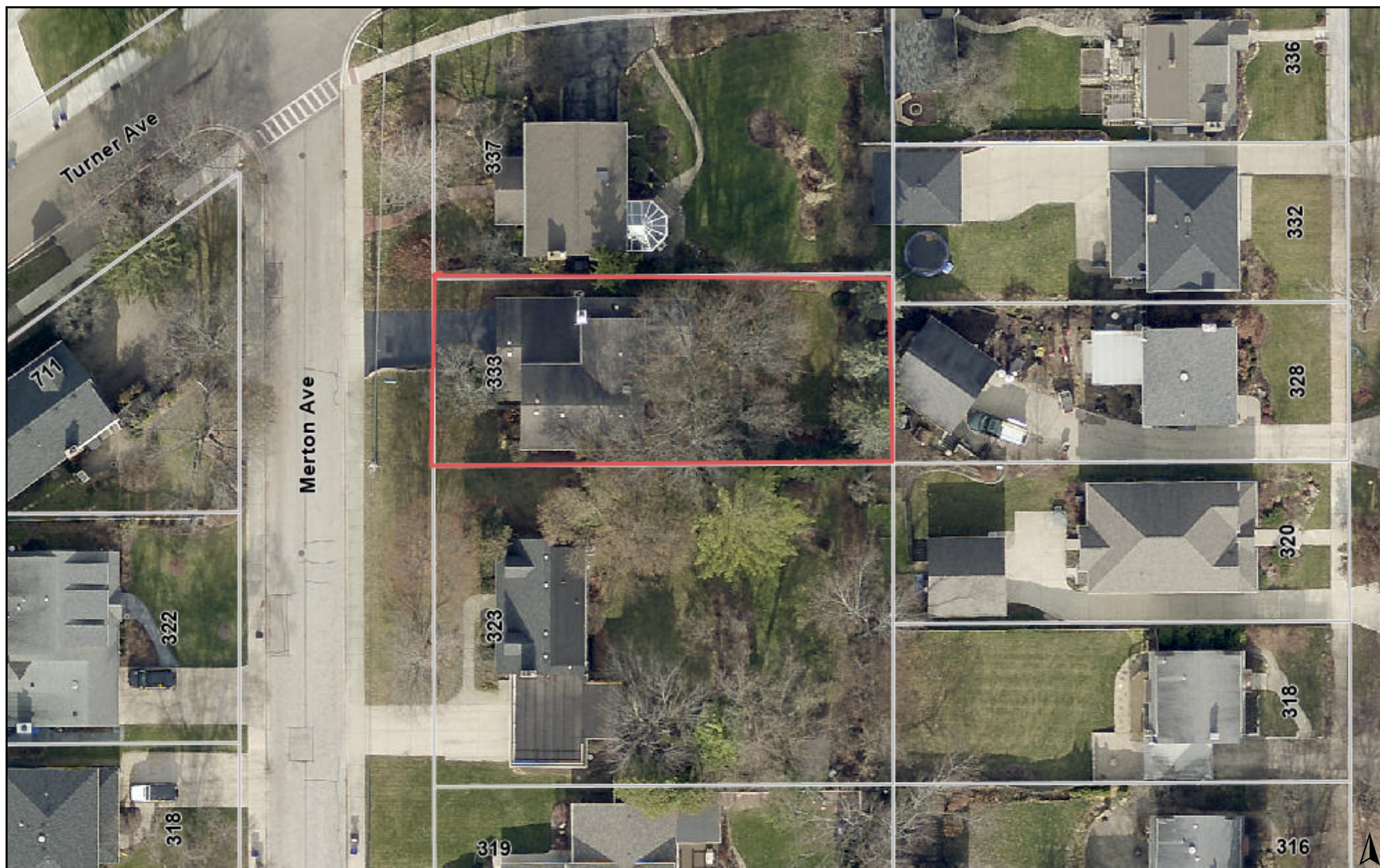
The ZBA may choose to make a recommendation to the Village Board for the approval, approval with conditions or denial of the amendment to Ordinance No. 5315, to allow the screen patio room addition to be enclosed with solid windows.

ATTACHMENTS:

1. Aerial Photograph of site and surrounding properties
2. Zoning Use Map
3. Petitioners' Application Packet Submitted February 14, 2022
4. Petitioner's Statement of Purpose
5. Ordinance No. 5315, Adopted November 22, 2004
6. Plat of Survey
7. Elevations
8. Before & After Photos
9. Public Hearing Notice
10. Location Map for Public Hearing Notice
11. Mailing List for Public Hearing Notice

cc: Staci Springer, Director of Community Development
Kelly Purvis, Planning Manager
Atrin Fard, Planner
Elizabeth and Thomas Berdelle, Property Owners

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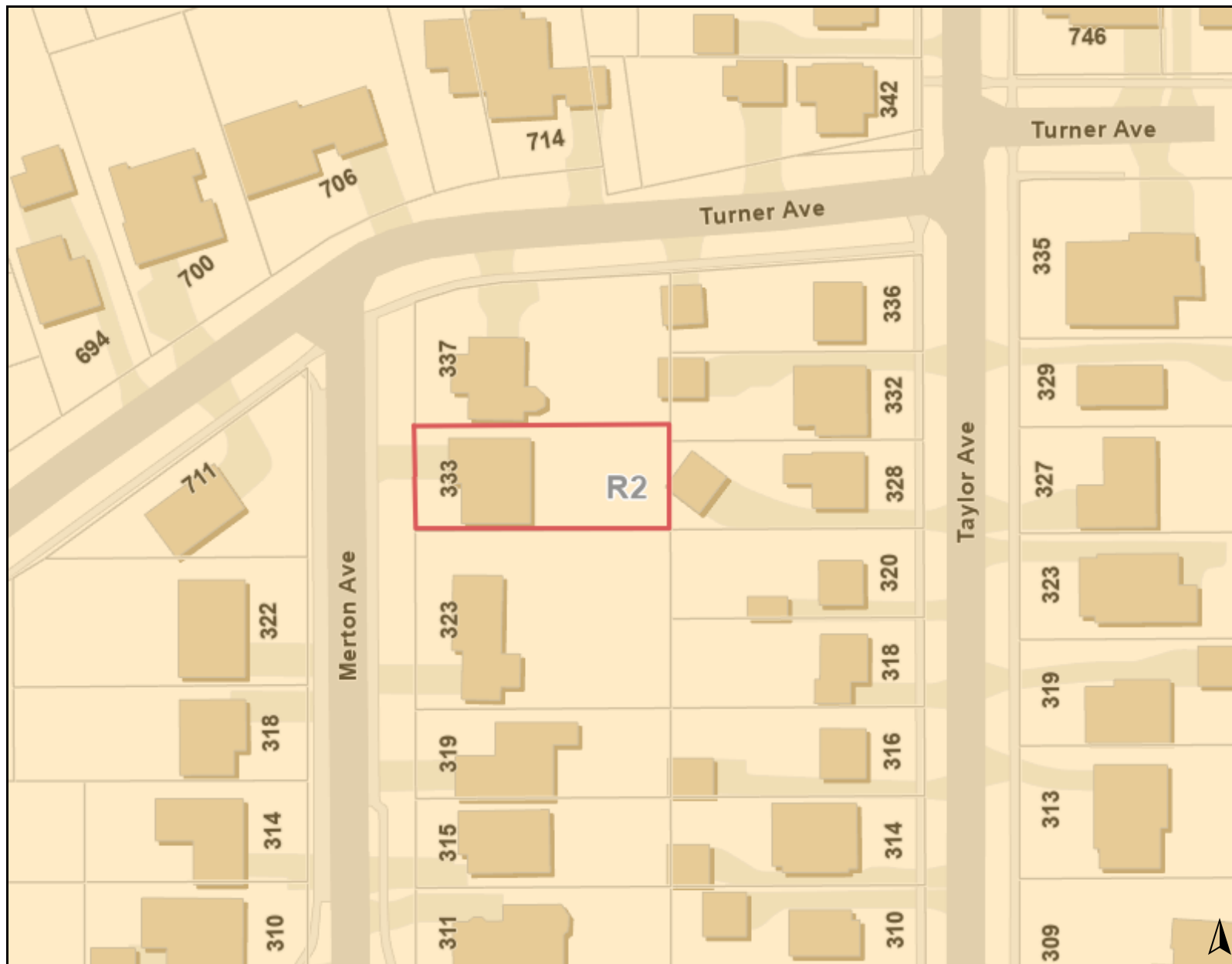


0 50 100
ft

Print Date: 2/24/2022

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.



Legend

Zoning and Development

Zoning

R2: Single Family Residential District

0 150 300
ft

Print Date: 2/24/2022

Notes

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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, ILLINOIS
Community Development Department
535 Duane Street
Glen Ellyn, Illinois 60137
(630) 547-5250

ZONING VARIATION REQUEST PACKET

Contents

1. Information Sheet for Potential Zoning Variation Requests and Related Options
2. Sample Schedule for a Zoning Variation
3. Description of the Zoning Variation Request Process and Instructions
4. Zoning Code Variation Guidelines for Particular Hardship and Practical Difficulty Criteria
5. Application for Variation form
6. Affidavit of Authorization
7. Disclosure of Interest or Ownership forms
8. Affidavit Affirming No Conflict of Interest

VILLAGE OF GLEN ELLYN, ILLINOIS

INFORMATION SHEET FOR POTENTIAL ZONING VARIATION REQUESTS AND RELATED OPTIONS

Note: This Information Sheet should be provided to each person who has been advised by a staff member of the Village Community Development Department, acting in his or her official capacity, that the project proposed by such person requires the granting of one or more variations from the Glen Ellyn Zoning Code.

This Information Sheet lists options available to you now that you have been officially advised by the staff of the Community Development Department that your proposed project requires the granting of one or more variations from the Glen Ellyn Zoning Code (Ordinance No. 3617-Z, as amended). The options listed below are not intended to be exhaustive nor are they mutually exclusive. (For example, you could decide to proceed under options 1 and 2 below as alternatives). You may wish to contact an attorney to discuss the options listed or explore other options that may be available to you.

- OPTION 1 - You could (1) decide not to revise your proposed project to reduce or eliminate the required zoning variation(s); and (2) apply for the required zoning variation(s). If this option is chosen, you will need to apply for approval of a zoning variation.
- OPTION 2 - You could (1) revise your proposed project to reduce the number and/or size of the required zoning variation(s) or (2) reduce the degree of your variation request; and (3) apply for the required zoning variation(s) for your revised proposal. If this option is chosen, you should proceed as described under Option 1 above.
- OPTION 3 - You could revise your proposed project to eliminate the need for the required zoning variation(s).
- OPTION 4 - You could decide not to revise or proceed with your proposed project. If this option is chosen, no zoning variation will be required.
- OPTION 5 - You could appeal the Village's staff interpretation of the zoning code to the Glen Ellyn Zoning Board of Appeals (ZBA) per Section 10-10-9, all appeals go to ZBA. If this option is chosen, you must file, within 45 days after the decision by Village staff that your proposed project requires one or more zoning variations, a notice of appeals specifying the grounds therefore and containing the information required by Section 10-10-9 of the Zoning Code

with the Director of the Village Community Development Department and the Zoning Board of Appeals.

Such an appeal would be governed by Section 10-10-9 of the Zoning Code and applicable State law. In general, the appeal process entails (1) a public hearing before the Zoning Board of Appeals following reasonable notice to interested parties and (2) a decision by the Zoning Board of Appeals, based on the evidence presented at the hearing, within a reasonable period of time after the conclusion of the hearing. Under the Zoning Code, the Zoning Board of Appeals has the authority to affirm or reverse, wholly or in part, or modify the decision of Village staff being appealed. Unlike the decision of the Zoning Board of Appeals on a variation application (which constitutes a recommendation to the Village Board), the decision of the Zoning Board of Appeals on such an appeal is the final Village action on the matter in question.

Regardless of the option you choose, members of the Village staff will be available to continue working with you in an effort to bring your proposed project to a conclusion.

Please note: All zoning code variation requests for single-family and two-family homes and accessory structures are reviewed by the ZBA with a recommendation to the Village Board. All other zoning code variation requests are reviewed by the Plan Commission (PC) with a recommendation to the Village Board.

VILLAGE OF GLEN ELLYN, ILLINOIS
SAMPLE SCHEDULE FOR A ZONING VARIATION

1. Application submitted and reviewed by staff
 - Consult with staff for the number of copies for Plan Commission (PC)
 - 2 copies for Zoning Board of Appeals (ZBA)
2. After the application is determined complete, it is placed on next available ZBA or PC Agenda
 - 15-30 days for public hearing notice in local newspaper
 - Usually about 6 weeks from the date of submittal to the public hearing
3. Hearing before ZBA or PC
4. Minutes/Transcripts from hearing prepared and forwarded to the Village Board
5. Variation considered by the Village Board

Steps 1 – 5: Approximately 90 to 120 days

Zoning variations that are reviewed by the Plan Commission in association with a requested Special Use Permit or proposed Subdivision may take longer to process than what is represented by the above sample schedule.

VILLAGE OF GLEN ELLYN, ILLINOIS

DESCRIPTION OF THE ZONING VARIATION REQUEST PROCESS AND INSTRUCTIONS

I. OVERVIEW:

A. Introduction:

In general, the zoning variation process involves the following three steps (each of which is described in more detail below):

STEP 1 - Application:

Zoning variation requests are initiated by filing a completed Application for Variation form, together with other supporting documents and materials, with the Director of the Village Community Development Department.

Prior to completing the Application for Variation form, applicants and their representatives, if any, are strongly encouraged to carefully review the Glen Ellyn Zoning Variation Request Package and to become familiar with the applicable provisions of the Zoning Code.

STEP 2 - Public Hearing before the ZBA or PC which both make Findings of Fact and Recommendation to the Village Board:

After notice has been published and mailed to the surrounding property owners, a public hearing on the requested zoning variation(s) will be held before the ZBA or PC. Based on the evidence presented at the hearing by or on behalf of the applicant or by others, the ZBA or PC is required to make specific findings of fact to support its recommendation to the Village Board regarding the requested zoning variation(s). See Section I. B. below for a brief description of the findings/standards for a variation under the Zoning Code.

STEP 3 - Village Board Action:

After the minutes or transcript of the public hearing containing the Commission's findings of fact and recommendation have been delivered to the Village Board, the Village Board will consider the requested zoning variation(s). Under the Zoning Code, the Village Board has the final authority to act on the requested zoning variation(s).

A sample schedule for a zoning variation is included in this Zoning Variation Request Package. The actual schedule for particular requested zoning variation(s) may differ from the representative schedule for a wide variety of reasons.

Questions regarding the zoning variation process should be directed to the Community Development Department at (630) 547-5250.

B. Required Findings of Fact/Standards for a Variation:

Set forth below is a short summary of the three principal findings of fact or standards which must be met in order for the ZBA or PC to recommend, and the Village Board to grant, a requested zoning variation from the Zoning Code. This summary is a simplified version of Section 10-10-12(C) of the Zoning Code, which the applicant is referred to for the governing legal language.

All three of the following findings of fact or standards must be established and met to support a requested zoning variation (since #2 below consists of two alternatives, only one of the two is required; however, the applicant may present evidence on both alternatives):

1. There would be practical difficulties or particular hardship for the applicant/owner resulting from the characteristics of the property in question if strict compliance with the Zoning Code were required (i.e., if no zoning variation were granted); and
2. Either:
 - A. The property in question cannot yield a reasonable return without a zoning variation, or
 - B. The plight of the applicant/owner is due to unique circumstances relating to the property in question; and
3. Granting the requested zoning variation will not alter the essential character of the locality of the property in question.

Applicants are also referred to Section 10-10-12(D) of the Zoning Code for a list of supplemental findings.

The primary purpose of both the Application for Variation form and the public hearing before the ZBA or PC is to elicit evidence relating to these findings of fact or standards upon which the ZBA or PC and the Village Board can base their actions on the requested zoning variation(s).

II. APPLICATION FOR VARIATION AND RELATED MATTERS:

A. Application for Variation:

The following items must be submitted to the Director of the Village Community Development Department to begin the process for a zoning variation:

1. A properly completed Application for Variation form, together with all supporting documents and materials.

Applicants should note that Section 10-10-10(B) of the Zoning Code contains a list of requirements that should be carefully reviewed and includes submitting disclosure of ownership interests and authorization letters depending on the type and capacity of the person or entity holding fee title to the property in question or acting as the applicant for the zoning variation (e.g., representatives, land trusts, corporations, partnerships, other business entities, etc.).

Disclosure of Interest and Affidavit of Authorization forms are attached with this packet.

Applicants should also note that they are obligated to notify the Village in writing of any change in the requirements relating to the applicant under Section 10-10-10(B) of the Zoning Code (e.g., new 5% or more stockholder in a corporate applicant or new partner in a partnership applicant) that occur at any time after the Application for Variation has been submitted and before final action by the Village Board on their requested zoning variation(s).

2. An application fee must be paid at the time the application is made. Staff will inform the Petitioner of the amount. Depending on the type of application, an escrow (amount to be determined by the Community Development Director) may also be required to pay out of pocket Village expenses related to public notice costs, recording costs and other items related to the project application.
3. A site plan (at a scale of no less than 1 inch = 100 feet) showing:
 - Site dimensions and area
 - Location of any existing buildings and/or structures on the lot
 - Lot location
 - Placement of proposed building(s)/structure(s) on the lot
 - Street width, sidewalks and curb cuts
 - Easements
 - Type of construction
 - Floor layout
 - Building elevations
 - Parking area and layout
 - Front, rear and side yard setbacks, and
 - Other data that may be necessary for the review of the application

4. Proof of ownership from the most recent title insurance policy, deed or commitment covering the property in question.
5. A plat of survey of the property in question, with a topographical map containing a statement made by a registered Illinois land surveyor that the property is or is not in a flood plain or other type of special management area.
6. Reimbursement of Fees Agreement (for Plan Commission cases).

B. Village Review:

The Village staff will examine each Application for Variation and accompanying items within a reasonable time after filing. When the Application for Variation and accompanying items appear to be complete and in good order, the requested zoning variation(s) will be scheduled for consideration at a public hearing before the ZBA or PC.

C. Public Hearing Notices and Related Matters:

Village staff will produce a legal notice of the public hearing before the ZBA or PC to be published not more than 30 or less than 15 days before the beginning of the hearing in one or more newspapers generally circulated within the Village. Such legal notice will state the time, date and location of the hearing and the particular location of the property in question and briefly describe the applicant's requested zoning variation(s).

Not less than 10 days prior to the public hearing, the Village Community Development Department will cause notice of the public hearing to be mailed to all property owners within a 250-foot radius of the property in question.

The Village will place one or more placards on the property in question not less than 15 days prior to the date of the public hearing. The placard(s) must remain until completion of the public hearing, at which time it will be removed by the Village. The placard(s) will be provided by the Village and will contain such information as is directed by the Director of the Village Community Development Department. Jurisdiction of the ZBA or PC to hold a hearing will not be affected by the absence of the placard(s), if the absence is not the result of the applicant's act or omission.

The Community Development Department will submit the Application for Variation and all accompanying and related items to the ZBA or PC for the public hearing.

Applicants are advised that members of the ZBA or PC and Village Board may visit the property in question to inspect it for themselves prior to the hearing.

III. PUBLIC HEARING:

A. Time, Date and Location:

Regularly scheduled meetings of the ZBA are on the 2nd and 4th Tuesday of each month and the regularly scheduled meetings of the PC are on the 2nd and 4th Thursday of each month both at 7:00 p.m. on the third floor of the Civic Center at 535 Duane Street, Glen Ellyn, Illinois.

B. Public Hearing:

The public hearing for the ZBA or PC is typically divided into five separate stages (which are described in more detail below) – (1) Staff Presentation, (2) Petitioner's Presentation, (3) Public Participation, (4) Commission Deliberation, and (5) Findings of Fact & Recommendation by the Commission.

1. Staff Presentation:

The Village staff will present a general overview of the applicant's request based on applicant's submittals and/or adherence to the Village's Zoning Code, review guidelines, stormwater standards and other relevant data.

2. Petitioner's Presentation:

After the Village staff's presentation, the applicant is given the opportunity to present his or her case. Applicants should note that it is the responsibility of the applicant and/or his or her representatives to present evidence supporting the requested zoning variation(s) in a complete and logical manner and to have all supporting documentation available at the hearing.

3. Public Participation:

The purpose of the public participation portion of the hearing is to give the public an opportunity to testify and to present evidence related to the requested zoning variation(s). Pursuant to State law, all testimony by witnesses in the hearing must be given under oath.

4. Commission Deliberation/Finding of Fact:

The Commission then discuss whether the evidence presented at the hearing is sufficient to establish and meet the findings/standards required under the Zoning Code to support a requested zoning variation. (See Section I.B. above for a short summary of the requisite findings/standards for a variation under the Zoning Code). Following this discussion, the Commission makes its recommendation and findings of fact under the Zoning Code and State law, based on the evidence presented during the public participation portion of the hearing to the Village Board concerning the requested zoning variation(s) by vote.

5. Vote:

An affirmative vote of four (4) members of the ZBA and five (5) members of the PC is necessary to recommend the granting of a requested zoning variation to the Village Board.

Under the Zoning Code, the Commission may recommend to the Village Board a lesser variation than the requested zoning variation. In addition, the ZBA or PC may recommend to the Village Board such conditions and restrictions upon the property in question as may, in the opinion of the Commission, be necessary (1) to comply with the standards for a variation set forth in Section 10-10-12 of the Zoning Code, (2) to reduce or minimize the injurious effect of the variation upon other property in the neighborhood, and/or (3) to implement the general purpose and intent of the Zoning Code.

IV. VILLAGE BOARD ACTION:

After a record of the public hearing containing the Commission's findings and recommendations has been delivered to the Village Board, the Village Board considers the requested zoning variation(s) against the findings/standards required under the Zoning Code for a variation. The Village Board may choose to consider the requested zoning variation(s) at a workshop meeting before a request is considered at the regular meeting of the Village Board. The Village Board has final authority to act on the requested zoning variation(s).

The Village Board holds its meetings on the second (2nd) and fourth (4th) Mondays of every month at 7:00 PM. On the third (3rd) Monday of the month, the Village Board holds a workshop, where it discusses various requests but does not act on any applications.

Without further public hearing, the Village Board may grant, deny or amend the recommendation for variation or refer the requested zoning variation back to the ZBA or PC for further consideration.

A zoning variation may only be granted by an ordinance which is duly passed and approved by the Village Board and President. Pursuant to state law, passage of an ordinance granting a zoning variation which failed to receive a recommendation for approval from the ZBA or PC requires the affirmative vote of two-thirds of all Trustees on the Village Board.

After final action by the Village Board, the Village Clerk will notify the applicant, the Director of the Village Community Development Department, the Village Building and Zoning Official and the Director of the Village Public Works Department of the decision of the Village Board.

Applicants should note that unless a building permit to begin construction is applied for within 24 months after the approval of an ordinance granting a zoning variation, the ordinance granting the zoning variation becomes null and void (unless the 24-month time limit is expressly extended by the Village Board by ordinance).

Zoning Code Variation Guidelines for Particular Hardship and Practical Difficulty Criteria

Seeking a variation is a legal process that allows property owners to build structures or use land in a way that is contrary to the local zoning regulations. Variations are meant to be used sparingly. Granting a variation should be based on a practical difficulty or a particular hardship that is directly related to the property and related uses. The Glen Ellyn Zoning code reads:

“The Zoning Board of Appeals shall not recommend, and the Village Board shall not vary, the provisions of this Zoning Code, except in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any regulation of this Zoning Code relating to the use, construction or alteration of buildings or structures or the use of land.”

It is very important to consider what constitutes a practical difficulty or particular hardship. Unfortunately, there is more information about what is not a practical difficulty or particular hardship than there is to define one. This is probably because there are an infinite number of variation probabilities and scenarios.

The courts have ruled that a practical difficulty or particular hardship cannot be self created, cannot be just showing that the property would be worth more if a variation were granted, and it cannot be just a demonstration that a property is better suited for a use that is prohibited than a use that is permitted.

In trying to define the practical difficulty or particular hardship the person making the decision on whether or not to support the variance will need to evaluate if:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; or
2. The plight of the owner is due to unique circumstances; and that the Variation, if granted, will not alter the essential character of the locality;

The first test above essentially applies to the variety of uses that could be developed on the land. The applicant or owner must show more than a loss. The applicant or owner must demonstrate that there would be a loss or lack of reasonable return from each and every permitted use on the property. The second test implies that the hardship conditions shall not be generally applicable to a similar situation in the same zoning district. If that were the case, then the zoning of the district would be materially changed. Uniqueness relates to hardship, which refers to the land and not to the personal circumstances of the applicant or owner.

Furthermore, the Zoning Board must also consider other standards prescribed in the Glen Ellyn Zoning Code when deciding on variations:

1. That the particular physical surroundings, shape or topographical condition of the specific

property involved would bring particular hard-ship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out;

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;
3. That the purpose of the Variation is not based exclusively upon a desire to make more money out of the property;
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;
5. 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 is located;
6. That the proposed Variation will not:
 - a. Impair an adequate supply of light and air to adjacent property;
 - b. Substantially increase the hazard from fire or other dangers to said property or adjacent property;
 - c. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village;
 - d. Diminish or impair property values within the neighborhood;
 - e. Unduly increase traffic congestion in the public streets and highways;
 - f. Create a nuisance; or
 - g. Result in an increase in public expenditures;
7. That the Variation is the minimum Variation that will make possible the reasonable use of the land, building or structure.

A zoning variation runs with the land indefinitely. This reinforces that variations should not be granted based on personal circumstances; while the people eventually will go away, the variation does not. The New York Supreme Court defined a variance as:

“An authority to a property owner to use the property in a manner forbidden by the ordinance.”

The owners seeking variations are expected to bear a “higher burden of proof”. Where a request for a variation is not unique or changes the essential character of the area, the petitioner should seek an amendment to the zoning code that would then apply throughout the district, rather than a variation. Variations are meant to be used sparingly, which is intentional as suggested in a reference from the case of *Real Properties v. Board of Appeals of Boston* that reads:

“The power of variances is to be sparingly exercised and only in rare instances and under exceptional circumstances peculiar in their nature and with due regard to the main purpose of a zoning ordinance to preserve the property rights of others.”

Here are a couple of examples of variation requests that have hardships:

1. A platted lot that is uniquely shaped and when the zoning code is applied, interferes with the buildable area of the lot.
2. Unusual topography or natural conditions within a parcel.

These are a few variations requests that do not include hardships:

1. The cost of a project would be greater if it were constructed in an area that would be otherwise permissible.
2. Request to accommodate the size of one's family or personal health issues.
3. Request to expand beyond conditions created by a previous owner. For example, the previous owner may have elected to build the structure up to the setback line even though there was ample space to provide more distance from the property line.

In conclusion, a hardship is not just ordinary inconvenience or difficulty and the owner must be able to show that there is an inability to make reasonable use of the land. The hardship or difficulty must be unique and should not generally apply to other properties. Hardships cannot be self-created, which even applies to action taken by previous owners, including work performed without a permit. According to the courts, a hardship does not include a potential for economic loss or less than maximum return. Finally, the use or modification must not alter the essential character of the area. The ultimate question that must be asked is "Is the property owner deprived of rights or deprived of their desires?"

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

CLEAR ALL PAGES

APPLICATION FOR VARIATION

For the property at 333 Merton Ave 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: Elizabeth and Thomas Berdelle

Address: 333 Merton Ave

Home Phone No.: 8166789199 Cell Phone No.: 6305967869

Fax No.: _____

E-mail: betsy.berdelle@gmail.com, tberdelle@gmail.com

Ownership Interest in the Property in Question:

Owners Thomas and Elizabeth Berdelle

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: 333 Merton Ave, Glen Ellyn IL 60137

Permanent tax index number: 05-14-209-002

Legal description:

Lot 25 in Arthur T. McIntosh & Company's Taylor Avenue Subdivision, being a subdivision of block 10 and part of block 11 in E. W. Zander and Company's addition to Glen Ellyn, a subdivision in sections 11 and 14 Township 39 North range 10, East of the third principal meridian, according to the Plat of said Arthur T. McIntosh and Company's Talyor avenue Subdivision recorded April 22, 1925 as document 191645 in DuPage County, Illinois

Zoning classification: R2 - Single Family Residential

Lot size: 145 ft. x 60 ft. Area: 8700 sq. ft.

Present use:

Single family home

IV. INFORMATION REGARDING THE VARIATION(S) REQUESTED:

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

A variation from Section 10-4-5(E)1 of the Zoning Code to allow the construction of a screened patio room addition that increased the lot coverage ration to 23.8% in lieu of the maximum permitted lot coverage ratio of 20% was granted on November 22, 2004 with the condition that the room shall not be enclosed with solid windows, be converted to a four-season room, insulated, or equipped with heating without the property owners appearing for another variation.

We purchased the home in February 2020 and installed same for same windows in October 2021 without knowledge of the previously stated variation and condition to said variation. A permit was requested for the same for same window installation by Dennis Bales of Ultimate Home Solutions and was told that it was not needed. We are requesting a variation to allow solid windows on the porch.

Estimated date to begin construction: October 2021

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

Dennis Bales, Ultimate Home Solutions

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 screened porch has been exposed to the elements causing wood rot in the window casings, sub floor and exterior wall. Rain and snow have caused the hardwood floors to become damaged, bowed and chipped. GFCI outlets were not installed and water entry causes safety hazards.

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

If the screen porch were to remain with screens only per the zoning code the porch would continue to deteriorate. Causing further safety concerns and for our home to look neglected.

OR

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

We purchased this home in March 2020. The seller did not disclose the variance granted for the porch nor that the variance had conditions that the screens could not be replaced with solid windows. We have spent \$16,000 on windows. We were notified by the Village of the original variance and the need for a new variance after the custom windows were purchased and had been nearly fully installed.

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

The porch structure is not being altered in any way other than replacing the screens with premium vinyl windows (seen in several homes in the area) and adding siding to protect the structure from further damage.

There is no expansion of the home footprint and the addition of windows will not block sunlight, airflow, or visibility from neighbors.

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

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

We are not changing the current roof-line or shape of the property. We are replacing screens with windows. If we do not replace the screens with windows the structure will continue to deteriorate and be rendered unsafe for ourselves and our young children.

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:

Having remodeled our kitchen recently, we've been very transparent about work being performed and the intent to follow code and building regulations accordingly.

Other properties would likely have either been notified (or known) of existing variations to their properties or been informed by the village when queried that they need to seek knowledge of existing variation.

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 do not wish to increase the monetary value of our home, rather to improve the screen porch so that it can be safe and functional and not continue to deteriorate due to exposure to the elements. We love Glen Ellyn, our neighbors, and the community, and wish nothing more than to spend many years in this home. We do not intend nor wish to sell the property anytime soon.

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.

To our knowledge the screen porch has remained unchanged since it was originally built and we have not made any modifications prior to window installation. When inspecting the structure during window installation, we were notified of even further widespread structural issues due to water infiltration rendering the structure uninhabitable.

5. Provide evidence that the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property in question is located.

The porch is on the back of our house and is not visible from the public way. The proposed change is only to replace screens with windows. As stated, it will not block sunlight, airflow, or view any more than the existing structure with screens had.

6. Provide evidence that the proposed variation will not:

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

A change from screen to windows will not affect supply of light or air to neighbors, the roof structure and wall structure has not been expanded in any way.

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

A change from screen to windows will not increase the hazard from fire or other dangers to this structure nor adjacent structures because it has no affect on the combustion issues of the property nor egress in and around the property.

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

Due to the limited changes that are being requested in this variance and the fact that there is no changes to the roof-line nor expansion of the building it has no affect on the aforementioned.

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

The window openings are the same dimensions as the previous screen openings and there are no other changes to the building structure. If anything, continued maintenance and upkeep of our property to ensure safety and quality of life in the neighborhood should only stand to benefit neighbors and their property values.

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

The change to windows has no affect on transportation.

- f. Create a nuisance; or

The same for same addition of windows in the same dimensions as the screens will not create a nuisance.

- g. Results in an increase in public expenditures.

The change to windows will have no increase in public expenditures.

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

The screens do not allow for us to use the space on cold, rainy, windy days. Windows are the minimum change/improvement that will allow for improved safe living conditions for this space while not changing the existing window openings nor building footprint.

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

Since joining the neighborhood 2 years ago we've tried dutifully to be good citizens and neighbors. We've spent considerable capital and energy on maintenance and functional improvement to ensure the property remains in good standing and so that neighbors can continue to remain proud of their neighborhood and it's charm. We've done so without changing any external structure/features.

The purpose of adding windows was not to improve the property value nor make this an addition to the home (it's uninsulated and won't be usable in the cold of winter). Rather, the addition of windows was to ensure the existing structure remained in good standing, relatively maintenance free, and prevented further structural issues.

Last, as mentioned above, we've been transparent with the village with our kitchen remodel (performed by reputable Synergy Builders) and subsequent inspections and sought to understand if permitting was needed for this project, for which we were told it was not. Being that we were not notified of the variation at purchase, we moved forward with the purchasing of the windows and the beginning of the installation with another local, reputable company - Ultimate Home Solutions.

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>02/11/2022</u>	<u>Elizabeth Berdelle</u>	_____
Date	Print Name	Signature of Applicant
<u>02/11/2022</u>	<u>Thomas Berdelle</u>	_____
Date	Print Name	Signature of Applicant
_____	_____	_____
Date	Print Name	Signature of Applicant

AFFIDAVIT OF AUTHORIZATION

I, _____ owner of the property described as

verify that _____

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

Owner Signature

Subscribed and sworn to before me this

_____ day of _____, 20_____

Notary Public

OWNERSHIP BY A CORPORATION

Date: _____

Address: _____

Legal Description:

--

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

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

OWNERSHIP BY LAND TRUST

Date: _____

Address: _____

Legal Description:

TRUSTEE: _____ TRUST NO. _____

Address: _____

LIST ALL BENEFICIARIES:

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Affidavit Affirming No Conflict of Interest

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

1. My name is _____, and I hold the position of _____ 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

_____ day of _____, 20____.

Notary Public

Elizabeth and Thomas Berdelle

333 Merton Ave

Glen Ellyn, IL 60137

Statement of Purpose

Zoning Board of Glen Ellyn,

We purchased 333 Merton Ave property in March of 2020. After living in the home through two spring seasons and watching the screen porch deteriorate (hardwood floors bowing, and splintering, window casings and exterior siding rotting) due to rainwater and snow we made the decision to update the space with windows in hope to maintain the porch and overall, our home. We also considered that windows would allow for our young children (20 month and second child due September 2021) to utilize the space as the update would remove some of the dangers we saw including, outlets not being GCFI, wood floors becoming splintered, overall dirt which blows in through the screens covering the floors. In the summer of 2021 we contacted Ultimate Home Solutions of Glen Ellyn to contract window installation. The window order was placed in 7/13/21 and the window installation was done in October 2021. The windows are solid vinyl windows 4 double hung windows on the north facing side, 4 double hung windows on the south facing side and 3 picture windows (tempered glass) on the east facing side and 1 new door Therma Tru fiberglass tempered glass door. The windows were replaced same for same in the screen casings. Ultimate Home Solutions did contact the Village for a permit to replace the windows but were told they did not need one due to the window replacement being "same for same". We believed we had done our due diligence with this project. The sellers did not disclose that there was a variance on the porch and thus we were unaware that a condition of the variance was that solid windows could not be placed without an additional variance. We have spent 16,000 on these windows in the hopes to continue to maintain our home and enjoy a livable screen porch. We plan to utilize the porch in the same way that we have since the purchase of the home with the added benefit to pull down our windows when there is inclement weather.

Thank you for your time and consideration.

Elizabeth and Thomas Berdelle

VILLAGE OF GLEN ELLYN

ORDINANCE NO. 5315

AN ORDINANCE APPROVING A VARIATION FROM THE
LOT COVERAGE RATIO REQUIREMENT OF THE
ZONING CODE TO ALLOW THE CONSTRUCTION OF A
SCREENED PATIO ROOM ADDITION
FOR PROPERTY LOCATED AT 333 MERTON AVENUE

ADOPTED BY THE
PRESIDENT AND THE BOARD OF TRUSTEES
OF THE
VILLAGE OF GLEN ELLYN
DUPAGE COUNTY, ILLINOIS
THIS 22ND DAY OF NOVEMBER 2004

Published in pamphlet form by the authority of the
President and Board of Trustees of the Village of
Glen Ellyn, DuPage County, Illinois, this 23RD
day of NOVEMBER, 2004.

ORDINANCE NO. 5315

AN ORDINANCE APPROVING A VARIATION FROM THE
LOT COVERAGE RATIO REQUIREMENT OF THE
ZONING CODE TO ALLOW THE CONSTRUCTION OF A
SCREENED PATIO ROOM ADDITION
FOR PROPERTY LOCATED AT 333 MERTON AVENUE

WHEREAS, Dan and Sue Sadowski, owners of property at 333 Merton Avenue, Glen Ellyn, Illinois, which is legally described as follows:

Lot 25 in Arthur T. McIntosh & Company's Taylor Avenue Subdivision, being a Subdivision in the North 1/4 of Section 14, Township 39 North, Range 10 East of the Third Principal Meridian, according to the Plat thereof recorded April 22, 1925 as document 191641 in DuPage County, Illinois

P.I.N.: 05-14-209-002

have petitioned the President and Board of Trustees of the Village of Glen Ellyn for a Variation from Section 10-4-5(E)1 of the Zoning Code to allow the construction of a screened patio room addition that increases the lot coverage ratio to 23.8% in lieu of the maximum permitted lot coverage ratio of 20%; and

WHEREAS, following due notice by publication in The Glen Ellyn News 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 October 26, 2004, at which Keith Heinz, general contractor and authorized agent for the petitioners, and Sue Sadowski, owner, presented evidence, testimony, and exhibits in support of the Variation request, and no persons appeared in favor of or in opposition thereto; and

WHEREAS, based upon the evidence, testimony, and exhibits presented at the public hearing, the Zoning Board of Appeals adopted findings of fact and, by a vote of four "yes" and three "no," recommended that the Variation be approved as set forth in its Report and Recommendation dated October 26, 2004, appended hereto as Exhibit "A"; and

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

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

- A. The lot has an area less than the current minimum lot size required by the Zoning Code of 8,712 square feet and the existing home has a lot coverage ratio of 21.1%, which already exceeds the maximum permitted lot coverage ratio;
- B. The proposed addition will be constructed above a portion of the existing deck;
- C. The addition is one story in height and will be constructed with screened openings;
- D. The proposed addition will be located in the rear yard and will not be visible from the public way;
- E. The proposed addition will be located the same distance from the neighbors' homes as the existing structure and, therefore, will not adversely impact any neighbors; and
- F. The addition will match the character of the existing home and the essential character of the neighborhood; and

WHEREAS, the President and Board of Trustees, based on the aforementioned findings of fact, find it appropriate to grant the Variation as recommended by the Zoning Board of Appeals;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in exercise of its home rule powers, as follows:

SECTION ONE: The Report and Recommendation of the Glen Ellyn Zoning Board of Appeals, Exhibit "A" appended hereto, is hereby accepted, and the findings of fact and conclusions set forth in the preamble above are hereby adopted as the findings of fact and conclusions of the corporate authorities of the Village of Glen Ellyn.

SECTION TWO: Based upon the above findings of fact, the President and Board of Trustees hereby approve a Variation from Section 10-4-5(E)1 to allow the construction of a one-story screened patio room addition that increases the lot coverage ratio to 23.8% in lieu of the maximum permitted lot coverage ratio of 20% for the property at 366 Merton Avenue, Glen Ellyn, Illinois, which is legally described as follows:

Lot 25 in Arthur T. McIntosh & Company's Taylor Avenue Subdivision, being a Subdivision in the North 1/4 of Section 14, Township 39 North, Range 10 East of the Third Principal Meridian, according to the Plat thereof recorded April 22, 1925 as document 191641 in DuPage County, Illinois

P.I.N.: 05-14-209-002.

SECTION THREE: This grant of a Variation to construct a one-story screened patio room addition is conditioned upon the following:

A. The addition shall be constructed in substantial compliance with the Application for Variation dated September 27, 2004, including:

- 1&2 Family Dwelling Zoning Worksheet and Height Certification
- Pre-Application review comments dated September 27, 2004
- Front and Rear view photos of the property
- Building Elevations (North and East view)
- Site Plan
- Plat of Survey prepared by Lambert & Associates dated September 6, 2000

- Letter from owners authorizing Keith Heinz to be their representative
- Proof of Ownership (Warranty Deed) and

B. The room shall not be enclosed with solid windows, be converted to a four-season room, insulated, or equipped with heating without the property owners appearing for another variation.

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 construction is in compliance with all other applicable laws and ordinances. This grant of Variation shall expire and become null and void eighteen (18) months from the date of passage of this Ordinance unless a building permit to begin construction in reliance on this Variation is applied for within said eighteen (18)-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 Department of Planning and Development is hereby authorized and directed to cause a copy of this Ordinance approving the Variation to be recorded with the DuPage County Recorder of Deeds.

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

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

PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this

22nd day of NOVEMBER, 20 04.

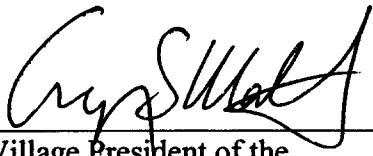
AYES: LOCH, PFEFFERMAN, CHARMAN, BARONER,
MULHERIN, RILEY

NAYS: - 0 -

ABSENT: - 0 -

APPROVED by the Village President of the Village of Glen Ellyn, Illinois, this 22nd day of

NOVEMBER, 20 04.



Village President of the
Village of Glen Ellyn, Illinois

ATTEST:



Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the 23rd day of NOVEMBER, 2004).

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**REPORT AND RECOMMENDATION OF THE
GLEN ELLYN ZONING BOARD OF APPEALS
ON THE PETITION OF DAN AND SUE SADOWSKI
FOR A LOT COVERAGE RATIO VARIATION
AT 333 MERTON AVENUE
OCTOBER 26, 2004**

TO: The President and Board of Trustees,
Village of Glen Ellyn, Illinois

Dan and Sue Sadowski, owners of the property at 333 Merton Avenue, are proposing to construct a patio room addition at the rear of the existing home that will increase the lot coverage ratio. The R2 Residential District zoning for the property requires that no structure exceed the maximum lot coverage ratio. The property owners are requesting approval of a variation from the Glen Ellyn Zoning Code, Section 10-4-5(E)1, to allow the construction of a patio room addition that increases the lot coverage ratio to 23.8% in lieu of the maximum permitted lot coverage ratio of 20%.

The petitioners were referred to the Zoning Board of Appeals to conduct a public hearing thereon as required by the Zoning Code. The Zoning Board of Appeals set the date of the required public hearing for Tuesday, October 26, 2004. Notice of the public hearing was published in The Glen Ellyn News on October 7, 2004. Notices were sent to the property owners within 250 feet of the subject property as required. A sign was placed on the subject property announcing that a public hearing would be held regarding the site.

The Zoning Board of Appeals issued the following Report and Recommendation:

I. Report:

- A. Location -- The property is located on the east side of Merton Avenue between Turner Avenue and Highview Avenue. The property is legally described as follows:

Lot 25 in Arthur T. McIntosh & Company's Taylor Avenue Subdivision, being a Subdivision in the North 1/4 of Section 14, Township 39 North, Range 10 East of the Third Principal Meridian, according to the Plat thereof recorded April 22, 1925 as document 191641 in DuPage County, Illinois.

P.I.N.: 05-14-209-002

- B. Characteristics of the Surrounding Area -- The property at 333 Merton Avenue and the surrounding areas are zoned R2 - Residential District. The properties consist of a variety of lot sizes and building configurations.
- C. Public Hearing -- Mr. Wilson, Building and Zoning Official, reviewed the characteristics of

the surrounding area, presented plans of the proposed addition and introduced the requested variation. Mr. Wilson explained that this lot is an interior lot and that the proposed addition would meet all other zoning code requirements except the regulations related to lot coverage ratio.

Keith Heinz and Sue Sadowski presented a brief testimony and reasons for the Zoning Board of Appeals to approve the request. Mr. Heinz clarified that the existing deck would not be extended. The proposed addition will occupy a portion of the existing deck and the balance of the deck would remain. Mr. Heinz explained that the addition of the patio room would allow the owner to enjoy the outside and rear yard without being in the direct sunlight or bothered by bugs. The patio room will essentially cover an area that is already used for similar gathering activities so the character and nature of the space will remain the same. Mr. Heinz indicated that, despite the existing lot coverage ratio, the home is relatively modest compared to other newer homes in the area. The addition is only one story in height and would not be visible from the right-of-way. He stated that this home is at a disadvantage since it has an attached garage. If the garage were detached, there would be no need for the variation.

Sue Sadowski stated that her family has owned the home since 1989. She stated that she wants to improve the house to make it more enjoyable. Nothing has been done to the home since it was constructed. She stated that the room would essentially be used as a three-season room and would not be heated. The room would basically be constructed of screens.

One of the Zoning Board members stated that the plan appears to indicate more than a screened room. Mrs. Sadowski stated that the room is intended to be a screened room and that the designer agreed to clarify the design and deck plans to be consistent with their statements.

Mrs. Sadowski indicated that she talked to her neighbors and none of them objected to the plans.

No persons spoke in opposition to the request and no persons appeared in favor of the request.

D. Exhibits:

Exhibit 1: Staff Report from the Building & Zoning Official to the Zoning Board of Appeals dated October 19, 2004.

Exhibit 2: Notice of Public Hearing, published in the October 7, 2004, edition of The Glen Ellyn News, names and addresses of property owners notified, and location map.

Exhibit 3: Application for Variation dated September 27, 2004,

including:

- 1&2 Family Dwelling Zoning Worksheet and Height Certification
- Pre-Application review comments dated September 27, 2004
- Front and Rear view photos of the property.
- Building Elevations (North and East view)
- Site Plan
- Plat of Survey prepared by Lambert & Associates dated September 6, 2000
- Letter from owners authorizing Keith Heinz to be their representative
- Proof of Ownership (Warranty Deed)

E. Deliberations: The Zoning Board of Appeals discussed the request based on testimony presented by the petitioners. Four of the Zoning Board members were in favor of the request. They agreed that the proposed addition would have minimal impact on the property or neighbors because the addition was in the rear of the yard and in the same place as the existing deck. They felt the addition is relatively small and, since it is only one story, it has very little overall bulk. They felt that the character of the existing home or neighborhood would not be adversely affected since the addition is behind the house and will conform to all other aspects of the zoning code, including the side and rear yard setbacks. These members felt that the Village Board provided guidance with these small additions when they voted to overturn the Zoning Board recommendation for a similar variation request at 413 Ridgewood and that recommending approval would be consistent with the previous request.

There were three members who opposed the requested variation. These members felt that the request for 23.8% was too large and that the owners never truly demonstrated a hardship or practical difficulty other than the existing home exceeds the required lot coverage ratio. Secondly, the change to the lot coverage ratio occurred over two years ago and the additional space being created was more of a luxury than a necessity. Despite the Village Board's recent decision related to 413 Ridgewood, the opposing members felt that this was just too large of a request.

F. Findings of Fact: After hearing testimony from the petitioners, the Zoning Board of Appeals established the following Findings of Fact relative to the variation:

1. That the particular physical conditions of the property and the location of the existing buildings on 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 the home is in need of improvements and any expansion or additions would require a variation;
2. The conditions upon which the petition for variation are based would not be applicable

generally to the other properties within the same zoning district in the immediate area because this home has an attached garage and is set back from the side property lines in a way that would not permit the construction of a detached garage;

3. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property but to improve the home, which has not had any improvements since it was originally constructed;
4. That the alleged difficulty or particular hardship has not been created by the person presently having an interest in the property or by the applicant because the house became a circumstance of changes to the zoning code over the years since the house was constructed;
5. That the granting of the variation will be not detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located because the addition will not extend the footprint any closer to the neighboring homes and is replacing a portion of the existing deck which has similar activities;
6. That the proposed variation:
 - a. Will not impair an adequate supply of light and air to adjacent property because the addition is not closer to the neighbors and is only one story in height;
 - b. Will not substantially increase the hazard from fire or other dangers to said property or adjacent property because the addition will not be any closer to the neighboring home;
 - c. Will not otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of the Village;
 - d. Will not diminish or impair property values within the neighborhood;
 - e. Will not unduly increase traffic congestion in the public streets and highways since the use will not change;
 - f. Will not create a nuisance since the use will remain the same; or
 - g. Will not result in an increase in public expenditures since the work is being conducted within private property; and
7. That the variation is the minimum variation that will make possible the reasonable use of the land, building or structure without having to reconstruct a significant portion of the home to create a detached garage.

II. Recommendation: The Zoning Board of Appeals forwards to the Village Board the following recommendation:

On a motion made to approve the requested variation by Member Waterman and seconded by Member Fried, the Zoning Board of Appeals recommends that the Village Board approve the requested variation from the Glen Ellyn Zoning Code, Section 10-4-5(E)1, to allow the construction

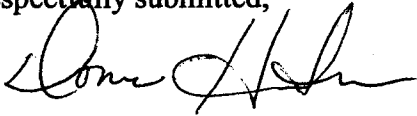
of a patio room addition that increases the lot coverage ratio to 23.8% in lieu of the maximum permitted lot coverage ratio of 20% with two conditions as follows:

1. The plan shall be revised to clarify that the addition is a screened porch and no more than a three-season room; and
2. The room shall not be enclosed with solid windows or converted to a four-season room by adding insulation or heating without appearing for another variation.

Upon a roll call vote, Board Members Fried, Garrity, Waterman and Chairman Hindman voted "yes". Members Armstrong, Kolar and Siligmueller voted "no." The motion to approve the requested variation carried with four "yes" votes and three "no" votes.

The Zoning Board of Appeals has found that a practical difficulty or particular hardship exists in that the house is relatively small and has limited space for expansion. The addition will be constructed above the footprint of an existing deck and would not affect the character of the existing property or neighboring properties. The addition will otherwise conform to all other zoning code requirements and will be constructed in the rear yard, not visible from the public way.

Respectfully submitted,



Donna Hindman, Chairman
Zoning Board of Appeals

Date of Hearing: October 26, 2004

Present: Members Armstrong, Fried, Garrity, Kolar, Siligmueller, Waterman and
Chairman Hindman

Absent: None

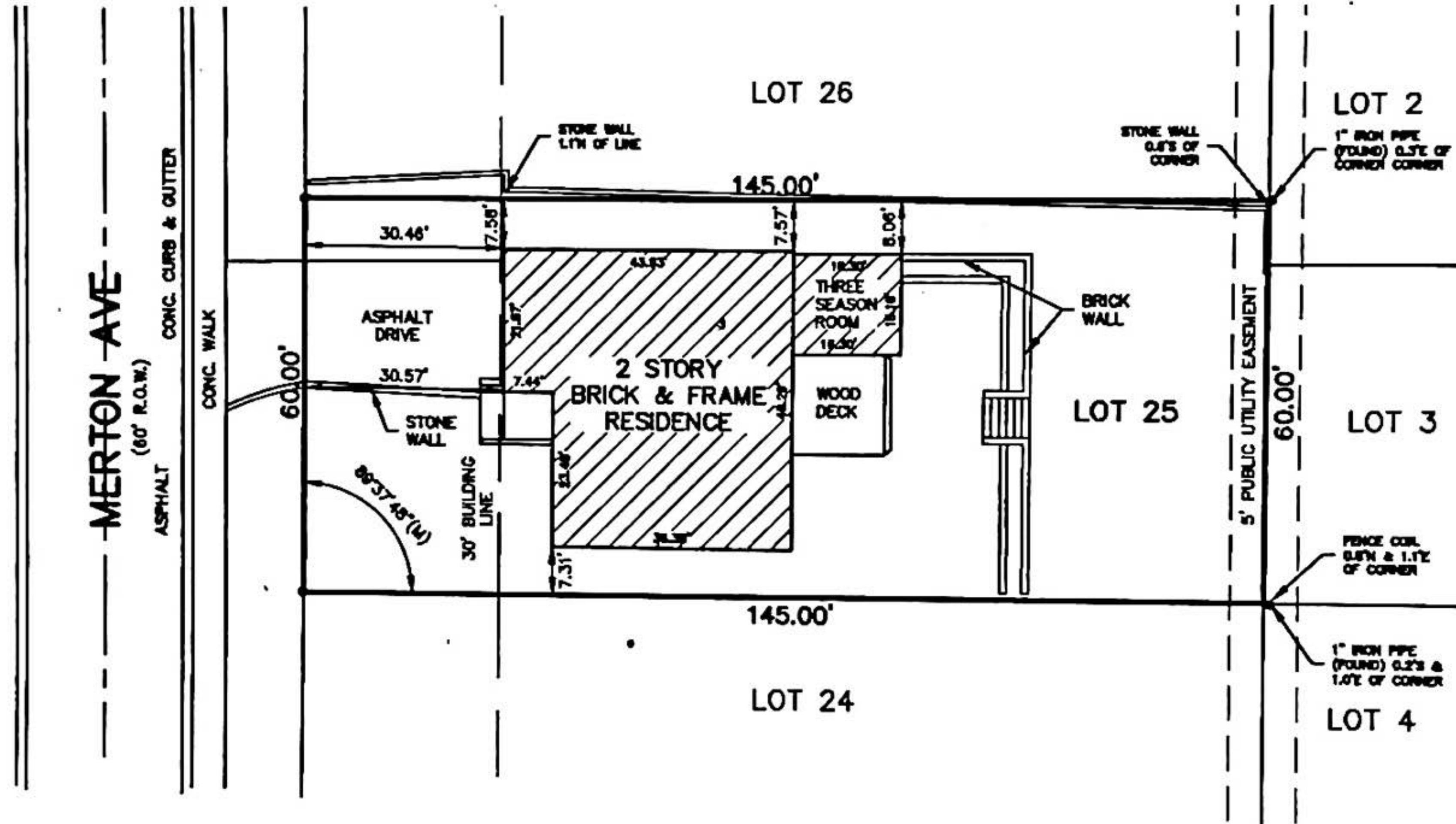
Also Present: Building and Zoning Official Wilson and Transcriber Utterback

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PLAT OF SURVEY

LOT 25 IN ARTHUR T. MCINTOSH AND COMPANY'S TAYLOR AVENUE SUBDIVISION, BEING A SUBDIVISION OF BLOCK 10 AND PART OF BLOCK 11 IN E. W. ZANDER AND COMPANY'S ADDITION TO GLEN ELLYN, A SUBDIVISION IN SECTIONS 11 AND 14, TOWNSHIP 39 NORTH RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID ARTHUR T. MCINTOSH AND COMPANY'S TAYLOR AVENUE SUBDIVISION RECORDED APRIL 22, 1925 AS DOCUMENT 191645, IN DUPAGE COUNTY, ILLINOIS.

ADDRESS: 333 MERTON AVENUE, GLEN ELLYN
PIN: 05-14-209-002
AREA: 0.2 ACRES



STATE OF ILLINOIS
COUNTY OF DU PAGE } S.S.

THIS IS TO CERTIFY THAT I, AN ILLINOIS LAND SURVEYOR, HAVE SURVEYED THE PROPERTY DESCRIBED ABOVE AND THAT THE ANNEXED PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY. FIELD WORK COMPLETION DATE: 02/19/2020.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

GIVEN UNDER MY HAND AND SEAL AT WHEATON, ILLINOIS, THIS 20TH DAY OF FEBRUARY, A.D., 2020.

Norbert V. Lambert Jr.
ILLINOIS LAND SURVEYOR NO. 1863; LICENSE EXPIRES 11/30/20
ILLINOIS DESIGN FIRM NO. 184-007260

REFER TO DEED OF GUARANTEE POLICY FOR RESTRICTIONS NOT SHOWN ON SURVEY.
ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF. COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY APPARENT DISCREPANCIES TO THE SURVEYOR.



Norbert V. Lambert Jr
2020.02.21 16.15.37 -6

ORDERED BY: MARK RODRIGUEZ FILE NO. 200090

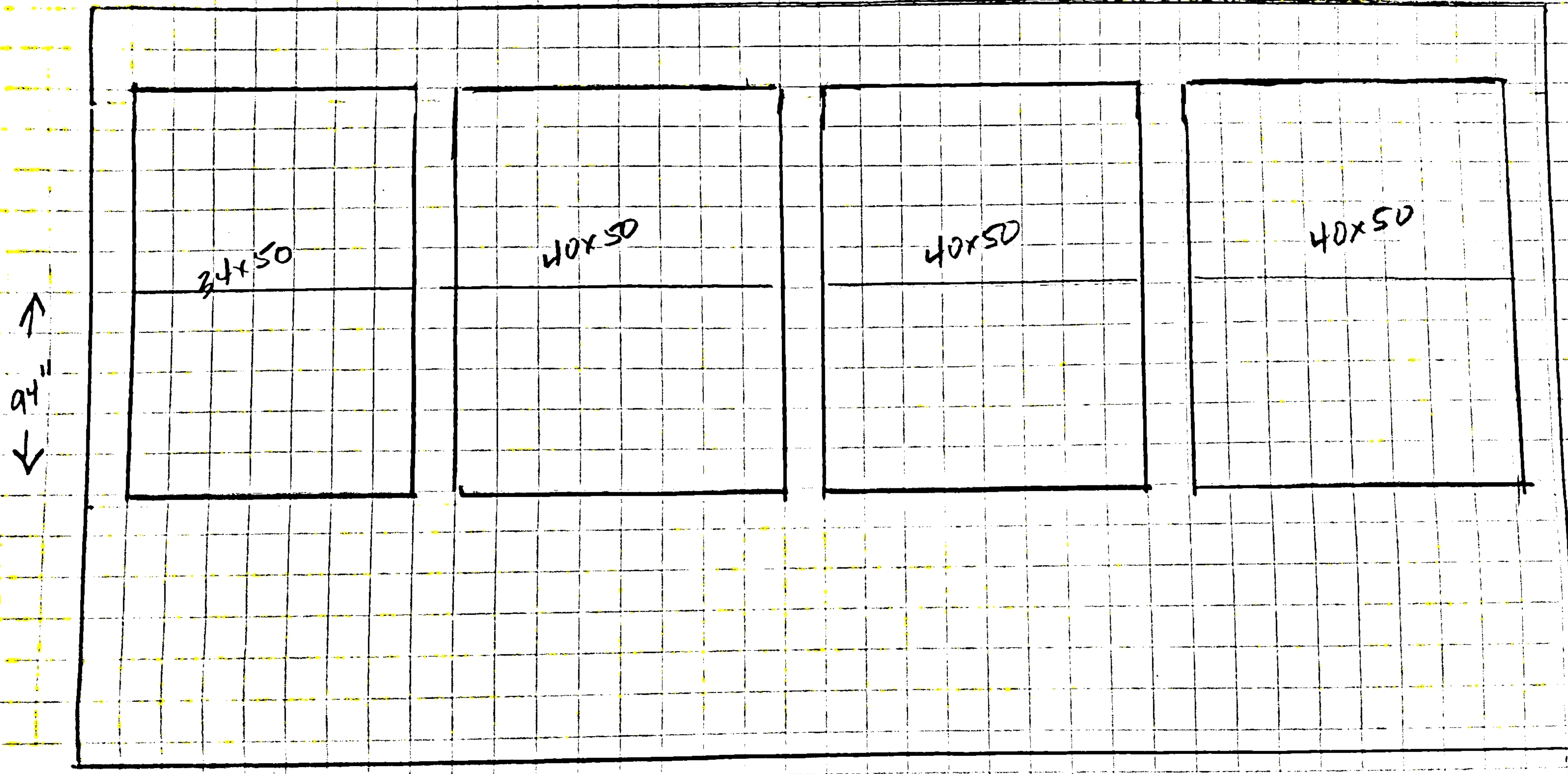
LAND SURVEYING AND CIVIL ENGINEERING	
LAMBERT & ASSOCIATES	LAND TECHNOLOGY
833 W. LIBERTY DR WHEATON, IL 60187	3822 W. MAIN STREET McHENRY, IL 60050
P: (630)853-8331	P: (815)363-9200
F: (630)853-8396	F: (815)363-9223
E: INFO@LAMBERTSURVEY.COM	E: LANDTECH@LT-PE.COM

● = FOUND IRON STAKE
○ = SET IRON STAKE

North Elevation (interior)

← 181' →

1" = 20"



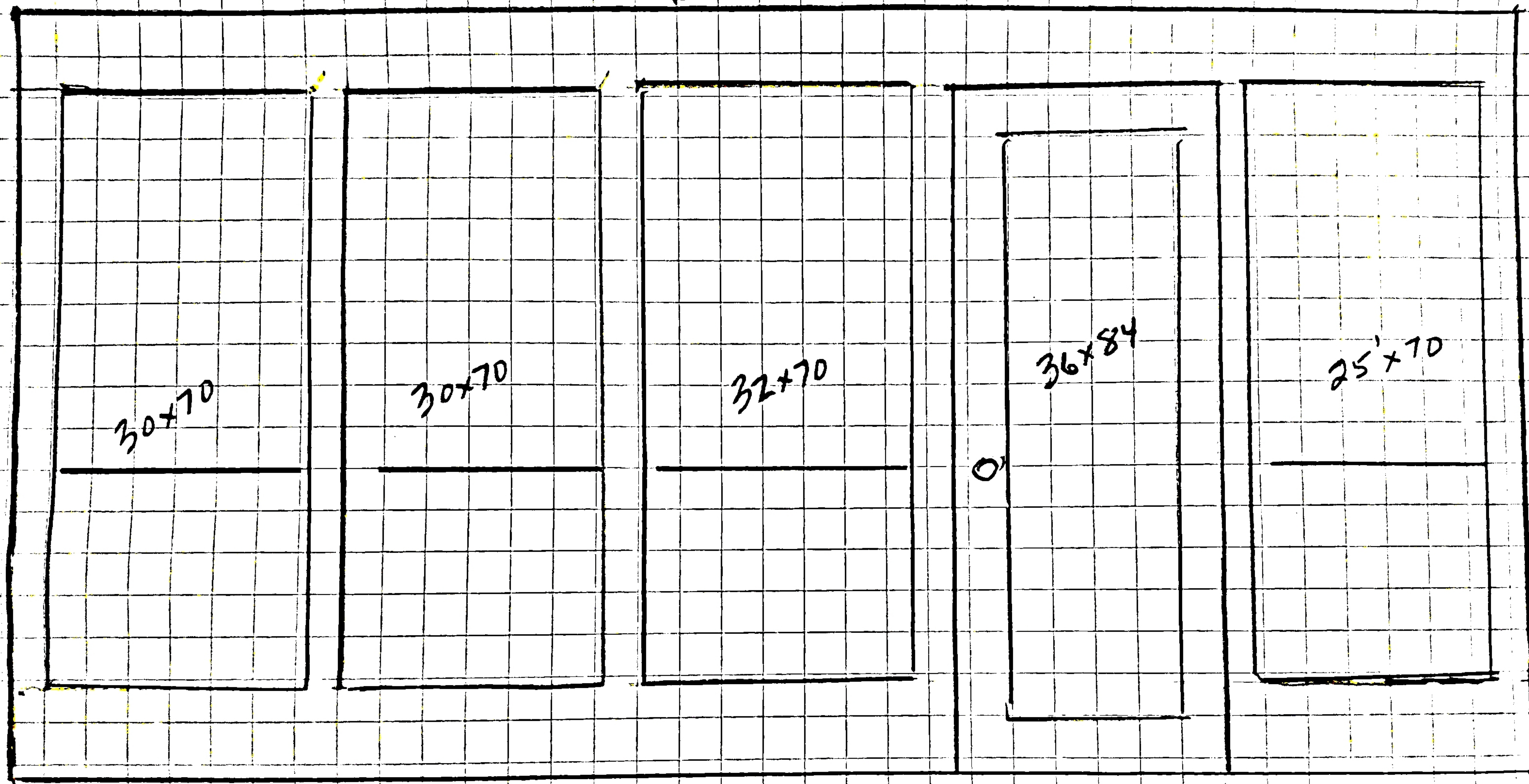
- Existing Screen Opening converted to double hung windows with same dimensions.

Berdelle Home

South Elevation (interior)

← 181" →

↑ 94" ↓



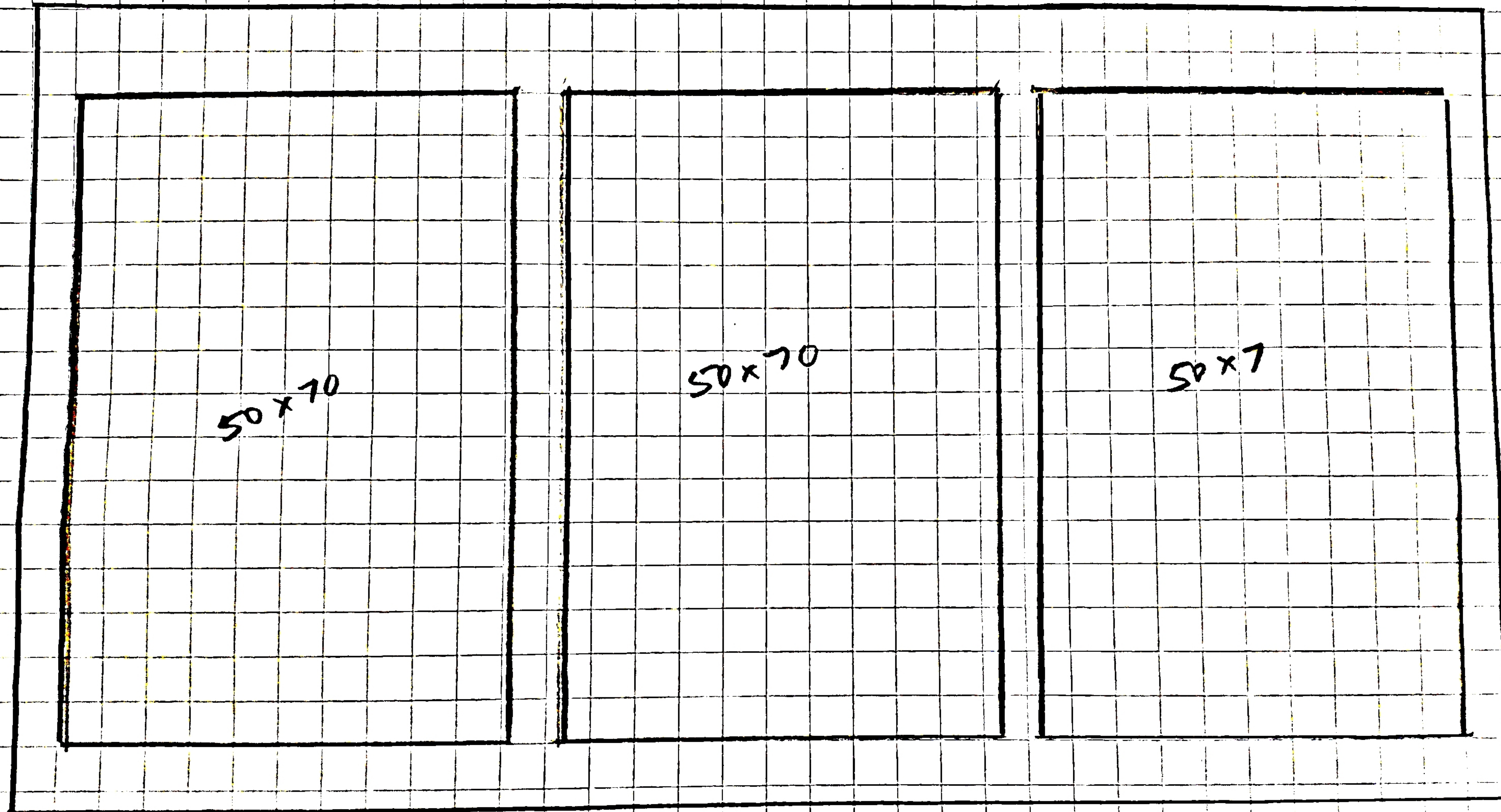
Existing Screen Opening converted to double hung windows
with screens, (within existing openings),

Berdell Home

East Elevation (interior)

← 170" →

↑ 94"
↓

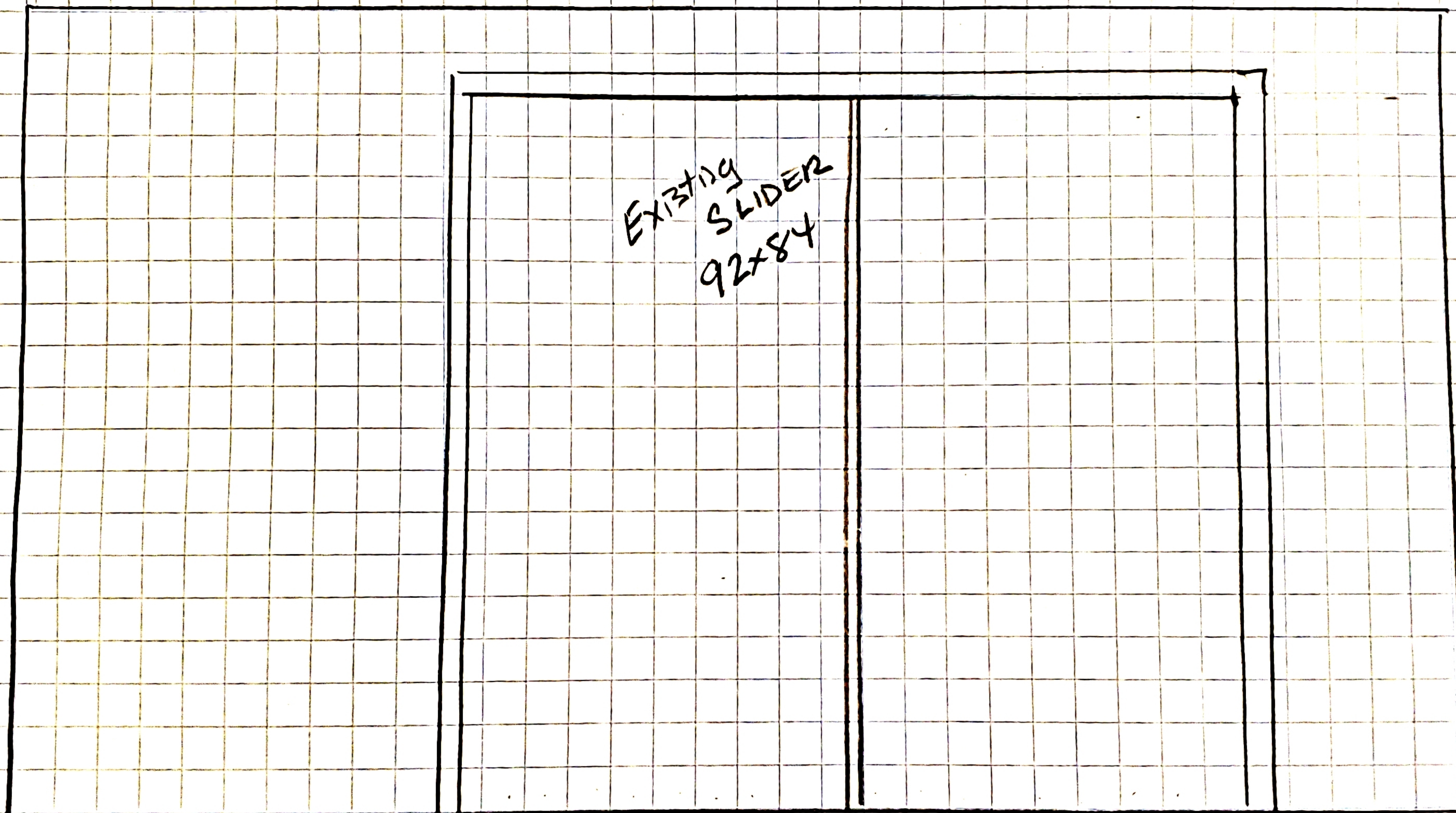


Existing Screens replaced with fixed window within existing

Berdelle Home

West Elevation (interior)

← 170" →



No Change to West door (egress into home)

Bordell Home



Porch with screens.

Porch with windows.



Wood rot on window casings





NOTICE OF PUBLIC HEARING

Elizabeth and Thomas Berdelle, owners of the property located at 333 Merton Avenue, are requesting a public hearing to amend the conditions of approval of Ordinance No. 5315, which granted approval of a Variation from Section 10-4-5(E)1 of the Glen Ellyn Zoning Code, a variation from the lot coverage ratio limitation, to allow the construction of a screen patio room addition on the subject property.

The conditions to be amended held that:

1. The plan shall be revised to clarify that the addition is a screened porch and no more than a three-season room; and
2. The room shall not be enclosed with solid windows or converted to a four-season room, add insulation or heating without appearing for another variation.

The owners would like the ability for the room to be enclosed with solid windows and are therefore requesting an amendment to the Ordinance. Before the Glen Ellyn Village Board can consider this request, the Glen Ellyn Zoning Board of Appeals must conduct a public hearing. The Zoning Board of Appeals will conduct a public hearing on **Tuesday, March 8, 2022 at 7:00 p.m. via the virtual meeting platform, Zoom.**

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

LOT 25 IN ARTHUR T. MCINTOSH & COMPANY'S TAYLOR AVENUE SUBDIVISION, BEING A SUBDIVISION OF BLOCK 10 AND PART OF BLOCK 11 IN E. W. ZANDER AND COMPANY'S ADDITION TO GLEN ELLYN, A SUBDIVISION IN SECTIONS 11 AND 14 TOWNSHIP 39 NORTH RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID ARTHUR T. MCINTOSH AND COMPANY'S TAYLOR AVENUE SUBDIVISION RECORDED APRIL 22, 1925 AS DOCUMENT 191645 IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-14-209-002

To view plans related to the proposed project, please visit the Village website here: <http://www.glenellyn.org/246/Public-Notice-Portal>. Plans are also on file in the Community Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois. These plans and a staff report will be posted on the Village's website on the Agendas and Minutes page for public viewing no later than Friday, March 4, 2022.

On January 7, 2022, Governor JB Pritzker signed a new Gubernatorial Disaster Proclamation extending the statewide declaration. With the signing of a new disaster proclamation, public bodies are authorized to meet remotely without the otherwise required quorum present at the meeting place while a disaster declaration is in place in accordance with (P.A.) 101-0640. The Covid-19



disaster declaration satisfies this condition, allowing Zoning Board of Appeals members to participate electronically in meetings at this time. The public is welcome to observe and participate in all meetings of the Zoning Board of Appeals.

All persons who are interested are invited to attend the public hearing via Zoom. Any public questions or comments regarding this request should be submitted in advance of the meeting via email to Taylor Gendel, Associate Planner at tgendel@glenellyn.org. All public comments received by 4:30 pm on Tuesday, March 8, 2022 will be read into the record at the public hearing. The public may also observe and participate in the meeting in progress on Zoom. The Zoom information is provided below.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85458577166?pwd=OUkxSi9tUDAvbHV3cTdVcVBXdlFsZz09>

Passcode: 856699

Or One tap mobile:

US: +13126266799,,85458577166#,,, *856699# or +13017158592,,85458577166#,,, *856699#

Or Telephone:

Dial: 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: 854 5857 7166

Passcode: 856699



Porch with screens.



Porch with windows.



Wood rot on window casings



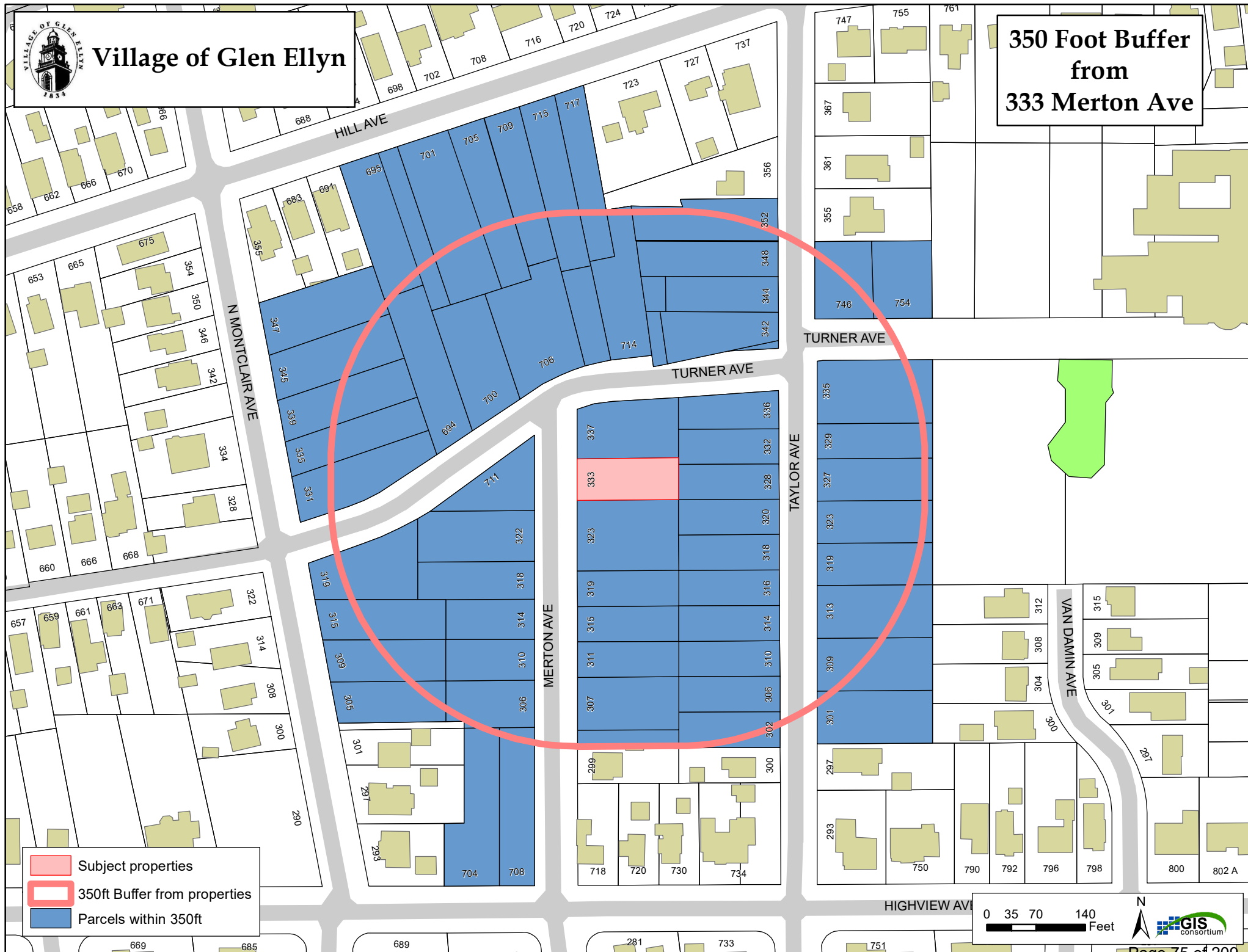


Porch with windows.



Village of Glen Ellyn

350 Foot Buffer
from
333 Merton Ave



BILLNAME	BILLSTNUM	BILLSTDIR	BILLSTNAME	BILLAPT	BILLCITY	BILLSTATE	BILLZIP
ANDRINGA, DIRK & MICHELLE	708		HIGHVIEW AVE		GLEN ELLYN	IL	60137
BECK, STEPHEN & KIMBERLY	319		TAYLOR AVE		GLEN ELLYN	IL	60137
BECKER, PETER & ROBYN	302		TAYLOR AVE		GLEN ELLYN	IL	60137
BERDELLE, THOMAS & E K	333		MERTON AVE		GLEN ELLYN	IL	60137
BESSLER, ROBERT & JENNIFER	319		MERTON AVE		GLEN ELLYN	IL	60137
BOLAND, TRAVIS & J TR	335		TAYLOR AVE		GLEN ELLYN	IL	60137
BOURKE, JAMES P	705		HILL AVE		GLEN ELLYN	IL	60137
BRENNAN, PATRICK & LISA	309	N	MONTCLAIR AVE		GLEN ELLYN	IL	60137
BURKE, MICHAEL & J TR	305	N	MONTCLAIR		GLEN ELLYN	IL	60137
BUTTON, JEFFREY & MARIANNE	331		MONTCLAIR AVE		GLEN ELLYN	IL	60137
CAIN, MATTHEW	339		MONTCLAIR AVE		GLEN ELLYN	IL	60137
CARROLL, MICHAEL T	309		TAYLOR RD		GLEN ELLYN	IL	60137
CIHAK, DAVID & DANIELLE	306		MERTON AVE		GLEN ELLYN	IL	60137
DEAN JR, CHARLES & M	711		TURNER AVE		GLEN ELLYN	IL	60137
DUNHAM, MATTHEW	335		MONTCLAIR AVE		GLEN ELLYN	IL	60137
FORD, DOUGLAS J & PAULA	344		TAYLOR AVE		GLEN ELLYN	IL	60137
FRENCH, PENN & MICHELLE	746		TURNER AVE		GLEN ELLYN	IL	60137
GIRARDI, JOSEPH G	700		TURNER AVE		GLEN ELLYN	IL	60137
GUIMON, MARTYN & DEBORAH	328		TAYLOR AVE		GLEN ELLYN	IL	60137
HACKMAN, KATHRYN LEE	320		TAYLOR AVE		GLEN ELLYN	IL	60137
HALL, JOHN & J NOEL	754		TURNER AVE		GLEN ELLYN	IL	60137
KADLEC, GREG & AMY	347		MONTCLAIR AVE		GLEN ELLYN	IL	60137
KIDD II, WESLEY E & ALICE	701		HILL AVE		GLEN ELLYN	IL	60137
KING JR, ROBERT & MARGARET	323		MERTON AVE		GLEN ELLYN	IL	60137
LAUGHLIN, RUTH A	313		TAYLOR AVE		GLEN ELLYN	IL	60137
LIEBICH, J & C SPRINGER	N7262		740TH ST		MENOMONIE	WI	54751
LONVICK, ERIC	314		TAYLOR AVE		GLEN ELLYN	IL	60137
LUPO, MARIE	314		MERTON AVE		GLEN ELLYN	IL	60137
MALKOWSKI, JULIA	645		FOREST AVE		GLEN ELLYN	IL	60137
MANGAN, THOMAS & KAREN	323		TAYLOR AVE		GLEN ELLYN	IL	60137
MARCHESE, ANDREW L	310		MERTON AVE		GLEN ELLYN	IL	60137
MARKHAM, ROBERT & R	319	N	MONTCLAIR AVE		GLEN ELLYN	IL	60137
MARTIN, NICHOLAS & GAIL	704		HIGHVIEW AVE		GLEN ELLYN	IL	60137
MC GAVOCK, JEFFERY & D R	315		MERTON AVE		GLEN ELLYN	IL	60137
MEYERS, PATRICK & NANCY	352		TAYLOR AVE		GLEN ELLYN	IL	60137
MOCKO, JONATHAN & COLLEEN	714		TURNER AVE		GLEN ELLYN	IL	60137
MUELLER, GEORGE & KATHRYN	345		MONTCLAIR AVE		GLEN ELLYN	IL	60137
NAMBIAR, R & S KHEDEKAR	301		TAYLOR AVE		GLEN ELLYN	IL	60137
NELSON, W TODD	299		MERTON AVE		GLEN ELLYN	IL	60137
O DONNELL, PATRICK & MEGAN	709		HILL AVE		GLEN ELLYN	IL	60137
O GORMAN, JOHN R	327		TAYLOR ST		GLEN ELLYN	IL	60137
PFAFF, VANESSA & JUSTIN	310		TAYLOR AVE		GLEN ELLYN	IL	60137
PHILLIPSON, ERIC & KARYN	717		HILL AVE		GLEN ELLYN	IL	60137
PURDOM JR, CHARELS & CINDY	322		MERTON AVE		GLEN ELLYN	IL	60137
RAJECK, MERRILL & JANET	337		MERTON AVE		GLEN ELLYN	IL	60137
RICHARDS, GEORGE & P L	329		TAYLOR AVE		GLEN ELLYN	IL	60137
RIZZO, MARIO & MARY	715		HILL ST		GLEN ELLYN	IL	60137
ROSS, RAYMOND & KRISTA	307		MERTON AVE		GLEN ELLYN	IL	60137
ROSS, SEAN & KERRY	318		MERTON AVE		GLEN ELLYN	IL	60137
ROSSMAN, M & R SIERENS	706		TURNER AVE		GLEN ELLYN	IL	60137
RUCKSTAETTER, JOHN A & D	348	S	TAYLOR AVE		GLEN ELLYN	IL	60137
SCHLAG, KATHLEEN L	315		MONTCLAIR AVE		GLEN ELLYN	IL	60137
SCHMIDT, STEPHEN & LINDA	694		TURNER AVE		GLEN ELLYN	IL	60137
SCHMITZ, ERICA & ZACHARY	336		TAYLOR AVE		GLEN ELLYN	IL	60137
SCHOENHERR, AARON & J	695		HILL AVE		GLEN ELLYN	IL	60137
SENAK, MARK & LAURA	306		TAYLOR AVE		GLEN ELLYN	IL	60137
STORM, JOSH & AMY	342		TAYLOR AVE		GLEN ELLYN	IL	60137
STUART, KRISTEN	332		TAYLOR AVE		GLEN ELLYN	IL	60137
TSCHAMPA, JEAN M	311		MERTON AVE		GLEN ELLYN	IL	60137



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

Meeting 3/8/2022 7:00 PM
Department: Community Development
Department Head: Staci Springer
Category: Public Hearing
Prepared By: Atrin Fard, Kelly Purvis

**AGENDA ITEM (ID
2022-1987)**

DOC ID: 2022-1987

791 Willis Street

David and Christina Morrison, owners of the property at 791 Willis Street, are requesting a variation from the Zoning Code to allow a front yard setback of 17.1 feet where a front yard setback of 30 feet is required for the construction of a one-story additions to an existing principal structure in the R2 Residential District.

Statement of the Issue:

Please see attached.

Analysis:

Please see attached.

Budget Impact:

Please see attached.

Action Requested:

Please see attached.

Attachments:

1. 791 Willis Staff Report - March 8, 2022
2. 1. Petitioner's Application
3. 2. Property Aerial Map
4. 3. Zoning Map
5. 4. 1' Contour Map
6. 5. Boundary Survey – September 24, 2021
7. 6. Boundary Survey with Setbacks Identified
8. 7. Proposed Site Plan
9. 8. Front Impervious Surface Coverage Calculations
10. 9. Letters of Support
11. 10. Public Notice
12. 11. Certificate of Publication
13. 12. Mailing List

14. 13. Map of properties notified by mailing

STAFF REPORT

TO: The Zoning Board of Appeals

FROM: Kelly Purvis, AICP, Planning Manager
Atrian Fard, Planner

DATE: February 25, 2022

SUBJECT: March 8, 2022 Zoning Board of Appeals Meeting

PROPERTY: 791 Willis Street is an irregular-shaped lot located on the southeast side of Willis Street with partial frontage along Riford Road.

PETITIONER: The petitioners are David and Christina Morrison, owners of the property located at 791 Willis Street.

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

1. Section 10-4-8(D)(1) to allow a front yard setback of 17.1 feet where a front yard setback of 30 feet is required for the construction of a one-story addition to an existing principal structure in the R2 Residential District; and
2. Any other zoning relief necessary to construct the project as depicted on the plans presented or revised at the public hearing or at a public meeting of the Village Board.

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

PUBLIC NOTICE: Notice of the public hearing was published in the February 21, 2022, edition of the Daily Herald, mailed to property owners within 250 feet of the subject property, and a placard was placed on the property.

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

PERMIT HISTORY:

Year	Permit No.	Type
1961	B8172	New construction of single-family home
1980	B5957	Family Room Addition

2012	20120295	A/C Replacement
2015	20152038	Furnace
2022	20220075	Clear Water Connection

EXISTING:	R2 Lot Requirements [10-4-8(D)]	Subject Property Data
Lot Area	8,712 ft ² (0.20 acres)	9,876 ft ² (0.22 acres)
Lot Width	80', corner lots; 66', all other lots	116'
Lot Depth	110'	111.18'
Front Yard	30' (between 30' and 50' for new construction; but no closer than the closest principal structure on adjacent lots on the same side of the street)	zero (0) actual
Interior Side Yard	11.6' required	22.99' (west) and 23.5' (east)
Rear Yard	40'	~60.6'

PROJECT HISTORY:

The subject property is a cone-shaped lot that was platted years ago. The property was improved with a one-story frame single-family home and an attached two-car garage in 1961. Given the unorthodox configuration of the lot, almost 47% of the total lot area is subject to the required front yard setback regulations where no building or structure may be allowed unless a variation from Zoning Code is granted. As such, the bulk of the house is currently situated within the required front yard setback of 30 feet, with the northeastern corner extending beyond the property line for approximately 0.23 feet, resulting in a front yard setback of zero (0) feet (see attached boundary map, dated September 24, 2021). Therefore, the existing residence is considered legal nonconforming.

It would seem that the unusual lot configuration coupled with the nonconforming placement of the existing house make it challenging to construct any improvements on the lot without the granting of a variation from the Zoning Code.

PROPOSED:

The petitioners have recently purchased the property and wish to invest in and improve the house with thoughtfully placed additions while preserving the home's style. The petitioners are proposing to expand the building's footprint by adding two one-story additions to the west and southeast sides of the existing residence.

Addition to the West

The proposed addition on the west side of the home will expand the attached two-car garage for approximately 283.68 square feet to accommodate a third garage space. The addition will encroach 12.9 feet into the required 30-foot front yard, which will add 147.33 square feet to the existing impervious surface coverage in the required front yard. The petitioner has indicated that there will be a side door on the western elevation. As part of the garage expansion project, the existing concrete driveway will be widened for approximately 8.01 feet at the building line to allow direct access from the third garage bay to the street. There will be no changes to the driveway width at the property line. The proposed site plan also shows a 3-foot-wide walkway that connects the driveway to the new side door on the western elevation.

Addition to the Southeast Corner

The proposed addition to the southeast end of the house will add approximately 344.16 square feet of bathroom and closet space to the existing bedroom. At its nearest point, the proposed addition will be 21.66 feet from the front property line, which will add 80.33 square feet to the impervious surface coverage in the required front yard.

While the proposed additions will be further away from the front lot line than the northeast corner of the home that already exists (with a 0-foot setback), the placement of the additions do not meet the full front setback requirement of the zoning district. Thus, a variation is needed to allow encroachment of approximately 12.9 feet into the required front yard. The impervious surface additions are compliant with the Zoning Code requirements (please see attached Front Impervious Surface Coverage Calculations).

Staff received public comments from three proximate property owners in support of the request. No comments were received in opposition to the request.

ZBA ACTION

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

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

ATTACHMENTS

1. Petitioner's Application
2. Property Aerial Map
3. Zoning Map
4. 1' Contour Map

5. Boundary Survey – September 24, 2021
6. Boundary Survey with Setbacks Identified
7. Proposed Site Plan
8. Front Impervious Surface Coverage Calculations
9. Letters of Support
10. Public Notice
11. Certificate of Publication
12. Map of properties notified by mailing
13. Mailing list

CC:

Staci Springer, AICP, Director of Community Development
Paula Moritz, Plan Reviewer
David and Christina Morrison, Property Owners

APPLICATION FOR VARIATION

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

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

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

N/A

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

N/A

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

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")

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: 791 Willis St.

Permanent tax index number:

__05-11-411-015__ Legal description:

See attached deed

Zoning classification: _R2_

Lot size: 102x42.46x94x93.69x120.18 ft. Area: 9,876 sq. ft.

Present use: single family home

IV. INFORMATION REGARDING THE VARIATION(S) REQUESTED:

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

Please see attached Exhibit 1 - Additional Application Text

Estimated date to begin construction: As soon as possible - we are eager to move in__

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

REM Architecture - 6324 North Avers Avenue, Chicago, IL, 60659

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:

Please see attached Exhibit 1 - Additional Application Text

2.

- i. 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):

Applicants are friends of the family of the original owners of 791 Willis St. and want to preserve this home as a ranch with several great mid-century features while bringing this home into the 21st century so it can continue to be a great home in keeping with the standards of the neighborhood. Resale value is not a consideration in Applicant's requests.

OR

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

Please see attached Exhibit 1 - Additional Application Text

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

791 Wills St. has been a single family ranch home since it was built. Applicants want to preserve the home as a single family ranch but also add the amenities desired by 21st Century families via two additions that only impact the front yard setback.

- 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:

Please see attached Exhibit 1 - Additional Application Text

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

As exhibited on the attached boundary survey dated Sept. 24, 2021, the majority of the home is situated in the front yard setback and the northeast corner of the home touches the property line. The buildable area of the lot is curved similarly to a macaroni noodle.

This lot on which 791 Willis St. sits was platted in 1927, but divided in two sometime before the 1960s. 791 Willis St. was built on the north half of the lot and another home was built on the south half of the lot. After construction of 791 Willis, the Village adopted yard setbacks that made 791 Willis drastically non-conforming. This challenging layout of the lot and home means that almost any addition to the home will require relief from 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:

Applicants want to live in the home for the foreseeable future. The requested variations are desired to make the home more comfortable for the applicants. Resale value is not a consideration in Applicant's requests.

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.

This lot on which 791 Willis St. sits was platted in 1927, but divided in two sometime before the 1960s. 791 Willis St. was built on the north half of the lot and another home was built on the south half of the lot. After construction of 791 Willis, the Village adopted yard setbacks that made 791 Willis drastically non-conforming.

Applicants purchased 791 Willis St. in January 2022.

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.

791 Willis St. has been a single-family ranch home since it was built. Applicants want to preserve the home as a single family ranch but also add the amenities desired by 21st Century families via two additions that only impact the front yard setback.

6. Provide evidence that the proposed variation will not:

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

b. 791 Wills St. has been a single-family ranch home since it was built. Applicants want to preserve the home as a single family ranch but also add the amenities desired by 21st Century families via two, ground floor additions that only impact the front yard setback.

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

Applicants will comply with the Village's building and safety codes.

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

791 Wills St. has been a single-family ranch home since it was built. Applicants want to preserve the home as a single family ranch. Applicant will comply with the Village's building and safety codes.

d. Diminish or impair property values within the neighborhood;

791 Wills St. has been a single family ranch home since it was built. Applicants want to preserve the home as a single family ranch but also add the amenities desired by 21st Century families via two, ground floor additions that only impact the front yard setback.

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

791 Wills St. has been a single family ranch home since it was built. Applicants want to preserve the home as a single family ranch.

f. Create a nuisance; or

791 Wills St. has been a single family ranch home since it was built. Applicants want to preserve the home as a single family ranch but also add the amenities desired by 21st Century families via two, ground floor additions that only impact the front yard setback.

- g. Results in an increase in public expenditures.

791 Wills St. has been a single family ranch home since it was built. Applicants want to preserve the home as a single family ranch but also add the amenities desired by 21st Century families via two, ground floor additions that only impact the front yard setback.

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

Applicants request the ability to expand the home's footprint by adding a 3rd garage bay to the west side of the home and an ensuite bathroom and closet addition to the primary bedroom on the southeast side of the home. Both of these additions to the home encroach into the front yard setback only.

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

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>02/9/22</u>	<u>Christina Morrison</u>	<u></u>
Date	Print Name	Signature of Applicant
<u>02/9/22</u>	<u>David Morrison</u>	<u></u>
Date	Print Name	Signature of Applicant
<u></u>	<u></u>	<u></u>
Date	Print Name	Signature of Applicant

Glen Ellyn Application for Variation

791 Willis Street – Morrison

Exhibit 1 – Additional Application Text

IV. Description of the variations requested:

791 Willis St. is a mid-century ranch single-family home in the Lake Ellyn neighborhood that has been owned by the same family since it was built in the late 50/early 60s. Applicants are friends of the family of the original owners and want to preserve this home as a ranch with several great mid-century features while bringing this home into the 21st century so it can continue to be a great home in keeping with the standards of the neighborhood.

As exhibited on the attached boundary survey dated Sept. 24, 2021, the home is situated largely in the front yard setback - the northeast corner of the home even touches the property line. This lot on which 791 Willis St. sits was platted in 1927, but divided in two sometime before the 1960s. 791 Willis St. was built on the north half of the lot and another home was built on the south half of the lot. After construction of 791 Willis, the Village adopted yard setbacks that made 791 Willis drastically non-conforming. This challenging layout of the lot and home means that almost any addition to the home will require relief from the Village.

Zoning Code 10-4-8(D)1.(a) – 30 feet minimum front yard setback variation request

Applicants request the ability to expand the home's footprint by adding a 3rd garage bay to the west side of the home and a bathroom and closet addition to the primary bedroom on the southeast side of the home. Both additions to the home encroach into the front yard setback only.

The NW garage corner will be 17.10 feet from the front property line.

The NE bedroom addition corner will be 21.66 from the property line.

V.A.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:

As exhibited on the attached boundary survey dated Sept. 24, 2021, the majority of the home is situated in the front yard setback and the northeast corner of the home touches the property line. This lot on which 791 Willis St. sits was platted in 1927, but divided in two sometime before the 1960s. 791 Willis St. was built on the north half of the lot and another home was built on the south half of the lot. After construction of 791 Willis, the Village adopted yard setbacks that made 791 Willis drastically non-conforming. This challenging layout of the lot and home means that almost any addition to the home will require relief from the Village.

A.2.b. Provide evidence that the plight of the applicant/owner is due to unique circumstances relating to the property in question:

As exhibited on the attached boundary survey dated Sept. 24, 2021, a majority of the home is situated in the front yard setback and the northeast corner of the home touches the property line. This lot on which 791 Willis St. sits was platted in 1927, but divided in two sometime before the 1960s. 791 Willis St. was built on the north half of the lot and another home was built on the south half of the lot. After construction of 791 Willis, the Village adopted yard setbacks that made 791 Willis drastically non-conforming. This challenging layout of the lot and home means that almost any addition to the home will require relief from the Village.

Applicants did not create this lot layout and is unaware of any other lot in the Village with this setback challenge where additions to the side and rear of the home violate the front yard setback.

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

As exhibited on the attached boundary survey dated Sept. 24, 2021, the majority of the home is situated in the front yard setback and the northeast corner of the home touches the property line. The buildable area of the lot is curved similarly to a macaroni noodle.

This lot on which 791 Willis St. sits was platted in 1927, but divided in two sometime before the 1960s. 791 Willis St. was built on the north half of the lot and another home was built on the south half of the lot. After construction of 791 Willis, the Village adopted yard setbacks that made 791 Willis drastically non-conforming. This challenging layout of the lot and home means that almost any addition to the home will require relief from the Village.

Applicants did not create this lot layout and is unaware of any other lot in the Village with this setback challenge where additions to the side and rear of the home violate the front yard setback.

AFFIDAVIT OF AUTHORIZATION

I, _____ owner of the property described as

verify that _____

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

Owner Signature

Subscribed and sworn to before me this

_____ day of _____, 20_____

Notary Public

OWNERSHIP BY A CORPORATION

Date: _____

Address: _____

Legal Description:

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

Name: _____

Address: _____

% _____

Name: _____

Address: _____

% _____

Name: _____

Address: _____

% _____

Name: _____

Address: _____

% _____

Name: _____

Address: _____

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Name: _____

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Name: _____

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Name: _____

Address: _____

% _____

Name: _____

Address: _____

% _____

Name: _____

Address: _____

% _____

OWNERSHIP BY LAND TRUST

Date: _____

Address: _____

Legal Description:

--

TRUSTEE: _____ TRUST NO. _____

Address: _____

LIST ALL BENEFICIARIES:

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

TRUSTEES DEED

MAIL RECORDED DEED TO:

David Morrison and Christina
Morrison
791 Willis St.
Glen Ellyn, IL
60137

MAIL TAX BILL TO:

David Morrison and Christina Morrison
791 Willis St. Christina
Glen Ellyn, IL 60137

(Reserved for Recorders Use Only)

THE GRANTOR(S), **Carol E. Asselmeier as Successor Trustee of the Robert E. Stein Living Trust dated July 1, 1991, of 791 Willis St., Glen Ellyn, IL 60137**, for and in consideration of TEN AND 00/100THS (\$10.00) DOLLARS and other good and valuable consideration in hand paid, and pursuant to the power and authority vested in the Grantor(s) as Trustee, CONVEY(S) AND QUIT CLAIM(S) to **David Morrison and Christina Morrison**, husband and wife, of 4600 Stanley Ave. Downers Grove, IL 60515, to have and to hold, as Tenants by the Entirety, all interest in the following described real estate, situated in **DuPage** County, State of Illinois, to wit:

SEE ATTACHED LEGAL DESCRIPTION

Permanent Index Number(s): **05-11-411-015-0000**

Property Address: **791 Willis St., Glen Ellyn, IL 60137**

Hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State of Illinois.

Subject, however to general real estate taxes not due and payable at time of closing; special assessments confirmed after Contract date; building, building line and use or occupancy restrictions, conditions and covenants of record; zoning laws and ordinances; easements for public utilities; drainage ditches, feeders, laterals and drain tile, pipe or other conduit.

Dated this 24th day of January, 2022.

Carol E. Asselmeier

Carol E. Asselmeier as Successor Trustee
of the Robert E. Stein Living Trust dated
July 1, 1991

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 **Carol E. Asselmeier as Successor Trustee of the Robert E. Stein Living Trust dated July 1, 1991**, personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he/she/they signed, sealed and delivered the said instrument, as his/her/their free and voluntary act for the uses and purposes set forth therein.

Given under my hand and notarial seal, this 24 day of January, 2022.

Angela Meller

Notary Public



PREPARED BY:

Nicolas R. Nelson
Attorney at Law
45 S. Park Blvd., Ste 200
Glen Ellyn, IL 60137

	Village of Glen Ellyn	
	Real Estate Transfer Tax	
	024535	
	Sale \$	408,500.00/
	Tax \$	1226.00/
	Date	1.27.22 Initials <u>AN</u>

LEGAL DESCRIPTION

Order No.: 21CNW336084WH

For APN/Parcel ID(s): 05-11-411-015-0000

THAT PART OF LOT 95 IN WRIGHTWOOD, GLEN ELLYN, A SUBDIVISION OF PARTS OF SECTIONS 11 AND 12 , TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 9, 1927 AS DOCUMENT 237398 IN DU PAGE COUNTY, ILLINOIS, LYING NORTHWESTERLY OF A STRAIGHT LINE DRAWN ACROSS SAID LOT AT RIGHT ANGELS WITH THE SOUTHWESTERLY LINE THEREOF, FROM A POINT ON SAID SOUTHWESTERLY LINE THAT IS 102.0 FEET SOUTHEASTERLY, MEASURED ALONG SAID SOUTHWESTERLY LINE, FROM THE WESTERLY CORNER OF SAID LOT (WHICH WESTERLY CORNER IS THE POINT OF INTERSECTION OF SAID SOUTHWESTERLY LINE WITH THE SOUTHEASTERLY LINE OF WILLIS STREET) TO A POINT ON THE CURVED NORTHEASTERLY LINE OF SAID LOT 95, IN DU PAGE COUNTY, ILLINOIS.

Affidavit Affirming No Conflict of Interest

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

1. My name is Christina Morrison, and I hold the position of self for Christina and David Morrison ("**Owner**").
 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 Owner to make the representations and statements in this Affidavit on the Owner's behalf in support of the application for development approval ("**Application**") the Owner 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 Owner, the Application, or the project proposed by the Owner.
 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 Owner, the Application, or the project proposed by the Owner.
 6. I will immediately notify the Village if the Owner learns of the material inaccuracy of any statement within this Affidavit.
- Further affiant sayeth naught.

Name: Christina Morrison

Title: _____

Owner's Name: Christina and David Morrison

Subscribed and sworn to me this

10 day of January, 2022

Laura L. Tisnai
Notary Public





0 150 300
ft

Print Date: 2/28/2022

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.



Legend

Zoning and Development

Zoning

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

0 300 600
ft

Print Date: 2/28/2022

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.

**Legend**

DuPage County

DuPage County 1' 2017 Contours

— Contour Line, Intermediate

— Contour Line, Major

0 100 200
ft

Print Date: 2/28/2022

Notes

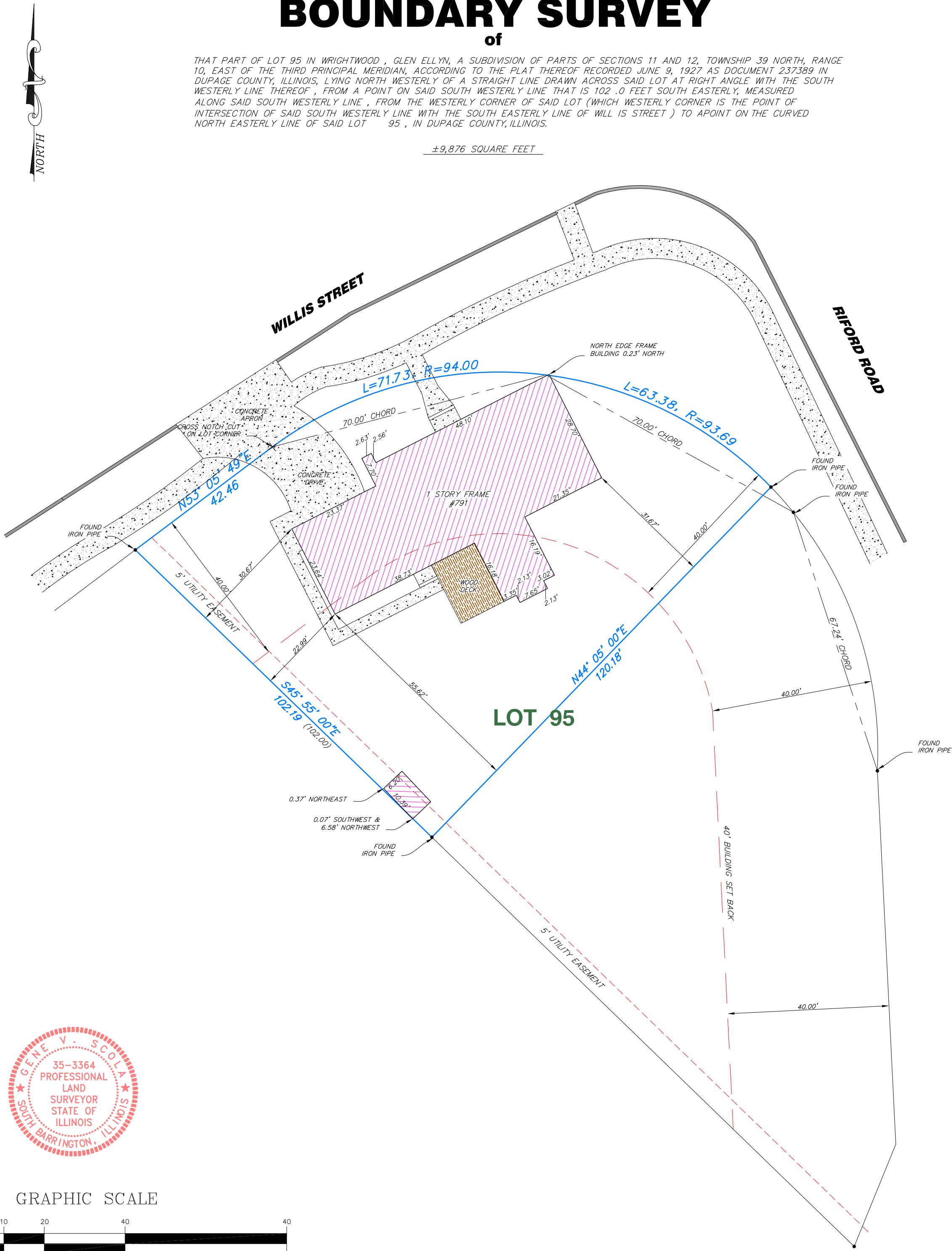
Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently 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.

BOUNDARY SURVEY

of

THAT PART OF LOT 95 IN WRIGHTWOOD , GLEN ELLYN, A SUBDIVISION OF PARTS OF SECTIONS 11 AND 12, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 9, 1927 AS DOCUMENT 237389 IN DUPAGE COUNTY, ILLINOIS, LYING NORTH WESTERLY OF A STRAIGHT LINE DRAWN ACROSS SAID LOT AT RIGHT ANGLE WITH THE SOUTH WESTERLY LINE THEREOF , FROM A POINT ON SAID SOUTH WESTERLY LINE THAT IS 102 .0 FEET SOUTH EASTERLY, MEASURED ALONG SAID SOUTH WESTERLY LINE , FROM THE WESTERLY CORNER OF SAID LOT (WHICH WESTERLY CORNER IS THE POINT OF INTERSECTION OF SAID SOUTH WESTERLY LINE WITH THE SOUTH EASTERLY LINE OF WILL IS STREET) TO APOINT ON THE CURVED NORTH EASTERLY LINE OF SAID LOT 95 , IN DUPAGE COUNTY, ILLINOIS.

±9,876 SQUARE FEET



DESIGN FIRM: #184-002898
LEGAL DESCRIPTION PROVIDED BY CLIENT

MEASURED DISTANCE
(RECORDED DISTANCE)

ORDERED BY

VICINITY MAP

IMAGE

Nicolas Nelson
Attorney
Direct: 630-991-1486
General: 630-474-0925
nick@nnlegal.com
www.nnlegal.com

LEGAL GROUP
45 S. Park Blvd., Suite 200
Glen Ellyn, IL 60137

791 Willis St, Glen Ellyn, IL 60137

791 WILLIS STREET

PIN# 05-11-411-015-0000

PYRAMID LAND SURVEYORS
Land Surveyors Illinois and Wisconsin
16 SOUTH LIBERTY DRIVE
SOUTH BARRINGTON ILLINOIS, 60010
PHONE 630-497-1832 FAX 847-428-6419
FIELD WORK COMPLETED: SEPT 24, 2021
DRAWN BY: G.V.S. SCALE : 1"=20'
BOOK NUMBER: 2109-79
DRAWING NUMBER: 117-210992
pyramidpls@yahoo.com

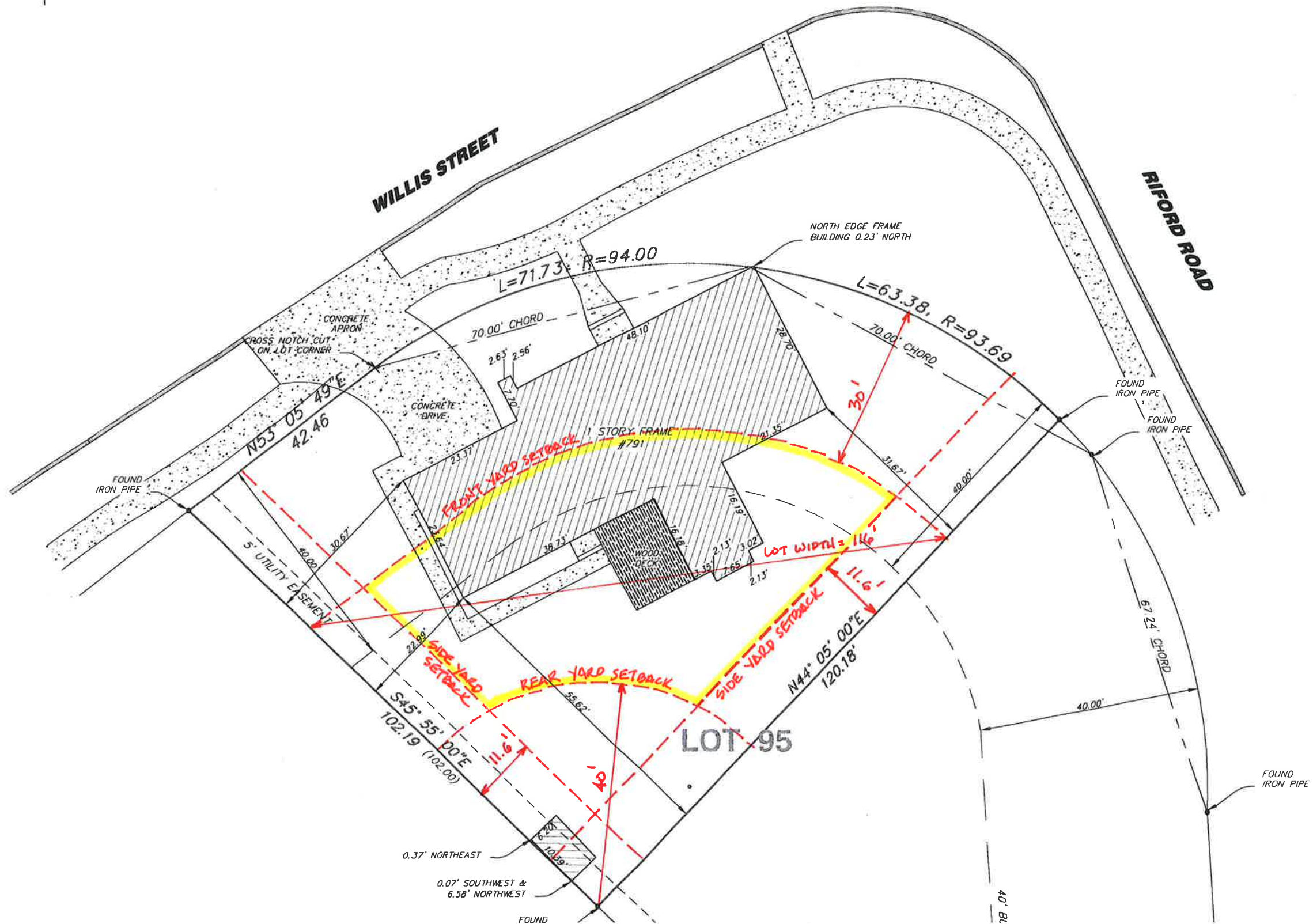
STATE OF ILLINOIS)
COUNTY OF COOK) C.C.
PYRAMID LAND SURVEYORS, INC. AS ILLINOIS LICENSED PROFESSIONAL LAND SURVEYORS, HEREBY STATE THAT WE HAVE SURVEYED THE PROPERTY DESCRIBED ABOVE AND THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.
GIVEN UNDER MY HAND AND SEAL Friday, September 24, 2021
Gene Scola
GENE SCOLA PLS #035-003364 EXPIRES 11-30-2022

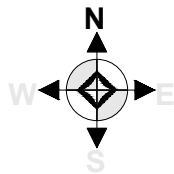
BOUNDARY SURVEY

of

THAT PART OF LOT 95 IN WRIGHTWOOD, GLEN ELLYN, A SUBDIVISION OF PARTS OF SECTIONS 11 AND 12, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 9, 1927 AS DOCUMENT 237389 IN DUPAGE COUNTY, ILLINOIS, LYING NORTH WESTERLY OF A STRAIGHT LINE DRAWN ACROSS SAID LOT AT RIGHT ANGLE WITH THE SOUTH WESTERLY LINE THEREOF, FROM A POINT ON SAID SOUTH WESTERLY LINE THAT IS 102.0 FEET SOUTH EASTERLY, MEASURED ALONG SAID SOUTH WESTERLY LINE, FROM THE WESTERLY CORNER OF SAID LOT (WHICH WESTERLY CORNER IS THE POINT OF INTERSECTION OF SAID SOUTH WESTERLY LINE WITH THE SOUTH EASTERLY LINE OF WILLIS STREET) TO A POINT ON THE CURVED NORTH EASTERLY LINE OF SAID LOT 95, IN DUPAGE COUNTY, ILLINOIS.

±9,876 SQUARE FEET

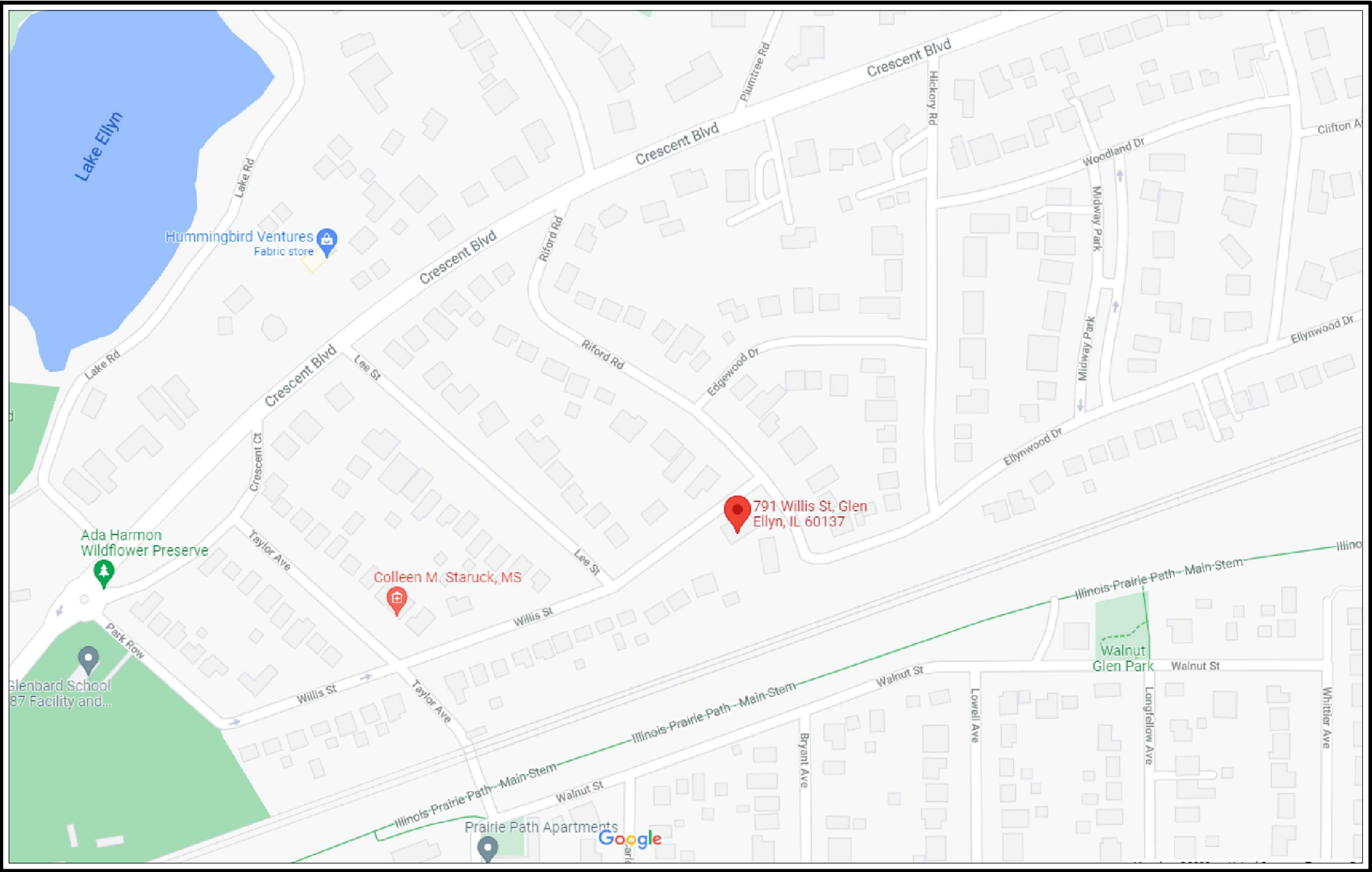




Application for Zoning Variation:

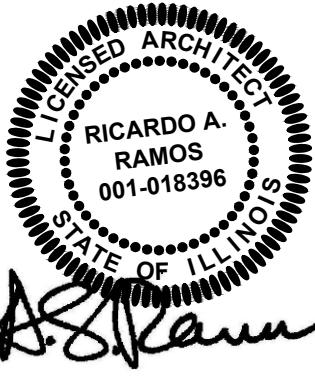
791 WILLIS STREET -- GLEN ELLYN, IL 60173

Applicant / Client:
Christina and Dave Morrison



SITE MAP IS DERIVED FROM GOOGLE MAPS

I HEREBY CERTIFY THAT THESE
DRAWINGS WERE PREPARED UNDER MY
SUPERVISION AND THAT TO THE BEST
OF MY KNOWLEDGE COMPLY WITH THE
BUILDING CODES AND ORDINANCES OF
THE VILLAGE OF GLEN ELLYN, ILLINOIS



LICENSE NO. 001-018396
EXP. DATE 11 - 30 - 2022

Not for Construction

CHRISTINA and DAVE MORRISON
Interior Renovation and Addition Project
791 Willis St.--Glen Ellyn, IL 60173

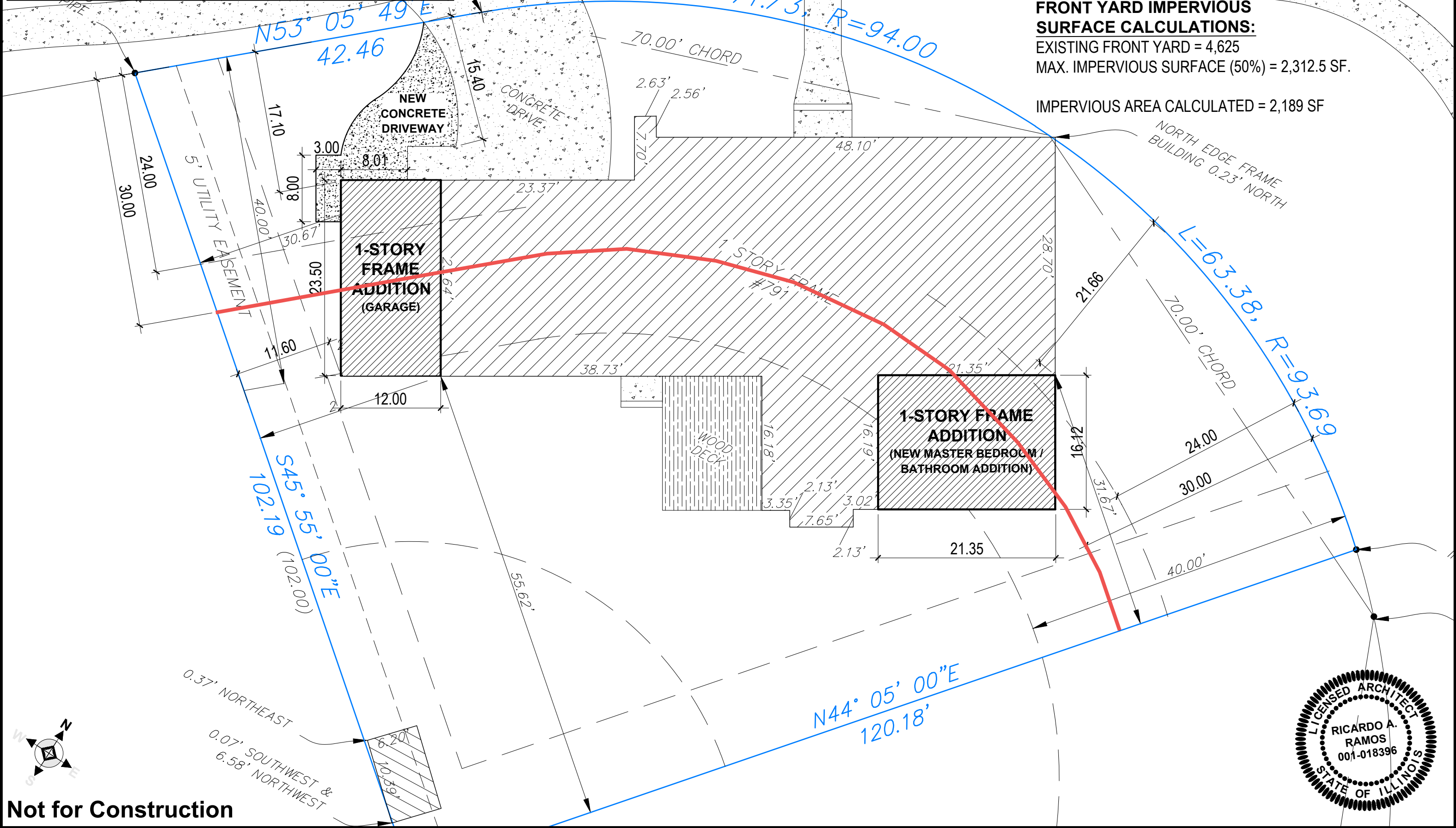
COVER SHEET -- LOCATION PLAN

NO SCALE

REM Architecture
Design Planning Architecture
6324 N. Avers Street
Chicago, IL 60659
T: (773) 463-4462
M: (773) 592-7592

SHEET NUMBER
A0

VARIATION SUBMITTAL (FEB. 17, 2022)



CHRISTINA and DAVE MORRISON
Interior Renovation and Addition Project
791 Willis St.--Glen Ellyn, IL 60173

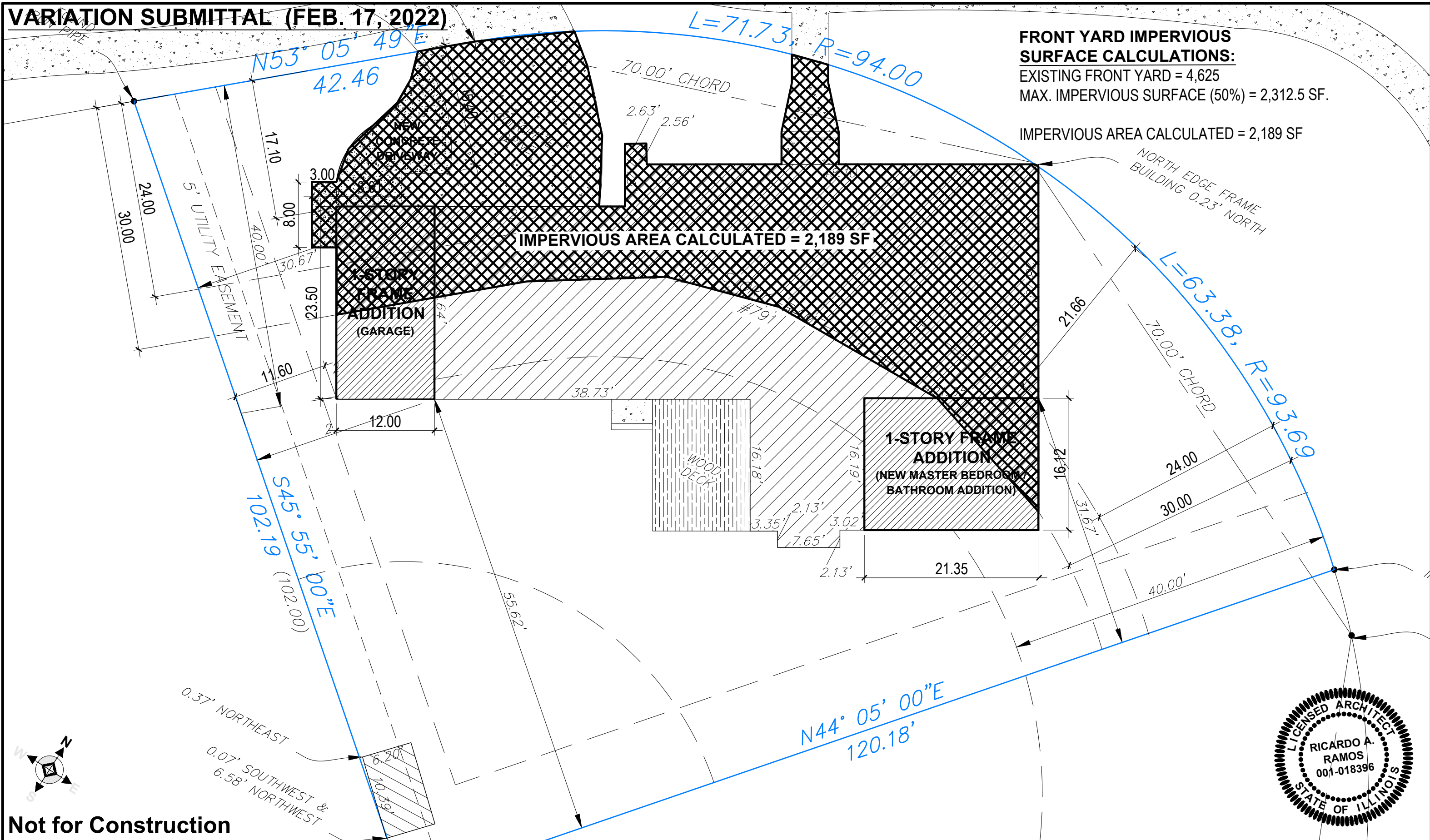
SITE PLAN -- PROPOSED NEW WORK

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

REM Architecture
Design Planning Architecture
6324 N. Avers Street
Chicago, IL 60659
T: (773) 463-4462
M: (773) 592-7592

SHEET NUMBER
A0.1

VARIATION SUBMITTAL (FEB. 17, 2022)



Not for Construction

CHRISTINA and DAVE MORRISON
Interior Renovation and Addition Project
791 Willis St.--Glen Ellyn, IL 60173

SITE PLAN -- IMEPERVIOUS SURFACE CALCULATIONS

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

REM Architecture
Design Planning Architecture

6324 N. Avers Street
Chicago, IL 60659

T: (773) 463-4462
M: (773) 592-7592

SHEET NUMBER

A0.2

Atrin Khodadadi Fard

From: Lorraine Ambler <lorraine.ambler8@gmail.com>
Sent: Wednesday, February 23, 2022 3:23 PM
To: Atrin Khodadadi Fard
Cc: Christina M.
Subject: 791 Willis St., Glen Ellyn

[EXTERNAL EMAIL]

Atrin Fard, Village Planner,

I'm writing on behalf of Christina and David Morrison's zoning application. My name is Lorraine Ambler and I currently live at 464 Cottage Avenue, Glen Ellyn Il. 60137 with my husband, Christian Ambler. We are in support of the proposed zoning plans for 791 Willis Street, Glen Ellyn, Il. 60137.

Thank you,

Lorraine Ambler and Christian Ambler

Sent from my iPad

Atrin Khodadadi Fard

From: Bob Banks <chenalee1@gmail.com>
Sent: Friday, February 25, 2022 2:13 PM
To: Atrin Khodadadi Fard
Subject: Atrian Fard, Zoning for 791 Willis

[EXTERNAL EMAIL]

Hello, Bob and Claudia Banks, 575 Lee street.
Residents of Glen Ellyn since 1957, and 1964. Residence of Lee street in 1975.
Phone. 630.469.0335

After viewing the site plan we are happy to see that the original structure will remain, it is what Christina and David first fell in love with!!

We approve of their plans, and set backs. We welcome them to their neighborhood, Will walk over to meet them soon.

Bob and Claudia Banks 575 lee st.
2\25\22

Atrin Khodadadi Fard

From: Christina M. <bronwynm23@gmail.com>
Sent: Tuesday, February 22, 2022 5:48 PM
To: Atrin Khodadadi Fard
Subject: Morrison 791 Willis

[EXTERNAL EMAIL]

Hi Atrin, we received our first letter of support. Thanks, Christina

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

From: **Heidi Ford** <haford27@gmail.com>
Date: Tue, Feb 22, 2022, 11:47 AM
Subject: Welcome! - House Plan
To: bronwynm23@gmail.com <bronwynm23@gmail.com>
Cc: Stephen Ford <stephenford062@gmail.com>

Hi Christina and David,

Welcome to the neighborhood! (you met my husband, Stephen, yesterday - we are in the red brick house across the street - 559 Riford) Thank you for sharing the plans with us, we are happy to hear that you are looking to keep the character and feel of the home/ property. We are very much in support of your proposed plans.

I look forward to meeting you in person as well! If you need anything, in transitioning to your new home, please do not hesitate to reach out.

Cheers,

Heidi

Look forward to

Sent from [Mail](#) for Windows



NOTICE OF PUBLIC HEARING

David and Christina Morrison, owners of the property at 791 Willis Street, are requesting a public hearing for a zoning variation in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code. Before the Glen Ellyn Village Board can consider this request, the Glen Ellyn Zoning Board of Appeals must conduct a public hearing. The Zoning Board of Appeals will conduct a public hearing on **Tuesday, March 8, 2022 at 7:00 p.m. via the virtual meeting platform, Zoom.**

The property owner is requesting approval of the following zoning variation from the Glen Ellyn Zoning Code as follows:

1. Section 10-4-8(D)(1) to allow a front yard setback of 17.1 feet where a front yard setback of 30 feet is required for the construction of a one-story addition to an existing principal structure in the R2 Residential District; and
2. Any other zoning relief necessary to construct the project as depicted on the plans presented or revised at the public hearing or at a public meeting of the Village Board.

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

THAT PART OF LOT 95 IN WRIGHTWOOD, GLEN ELLYN, A SUBDIVISION OF PARTS OF SECTIONS 11 AND 12, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 9, 1927 AS DOCUMENT 237398 IN DUPAGE COUNTY, ILLINOIS, LYING NORTH WESTERLY OF A STRAIGHT LINE DRAWN ACROSS SAID LOT AT RIGHT ANGLES WITH THE SOUTH WESTERLY LINE THEREOF, FROM A POINT ON SAID SOUTH WESTERLY LINE THAT IS 102.0 FEET SOUTHEASTERLY, MEASURED ALONG SAID SOUTHWESTERLY LINE, FROM THE WESTERLY CORNER OF SAID LOT (WHICH WESTERLY CORNER IS THE POINT OF INTERSECTION OF SAID SOUTHWESTERLY LINE WITH THE SOUTHEASTERLY LINE OF WILLIS STREET) TO A POINT ON THE CURVED NORTHEASTERLY LINE OF SAID LOT 95, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-11-411-015

Common Address: 791 Willis Street, Glen Ellyn, Illinois 60137

To view plans related to the proposed project, please visit the Village website here: <http://www.glenellyn.org/246/Public-Notice-Portal>. Plans are also on file in the Community Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois. These plans and a staff report will be posted on the Village's website on the Agendas and Minutes page for public viewing no later than Friday, March 4, 2022.

On January 7, 2022, Governor JB Pritzker signed a new Gubernatorial Disaster Proclamation extending the statewide declaration. With the signing of a new disaster proclamation, public
CIVIC CENTER 535 DUANE STREET GLEN ELLYN, IL 60137 630.469.5000 FAX 630.469.8849



bodies are authorized to meet remotely without the otherwise required quorum present at the meeting place while a disaster declaration is in place in accordance with (P.A.) 101-0640. The Covid-19 disaster declaration satisfies this condition, allowing Zoning Board of Appeals members to participate electronically in meetings at this time. The public is welcome to observe and participate in all meetings of the Zoning Board of Appeals.

All persons who are interested are invited to attend the public hearing via Zoom. Any public questions or comments regarding this request should be submitted in advance of the meeting via email to Atrian Fard, Planner, at afard@glenellyn.org. All public comments received by 4:30 pm on Tuesday, March 8, 2022 will be read into the record at the public hearing. The public may also observe and participate in the meeting in progress on Zoom. The Zoom information is provided below.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85458577166?pwd=OUkxSi9tUDAvbHV3cTdVcVBXdjFsZz09>

Passcode: 856699

Or One tap mobile:

US: +13126266799,,85458577166#,,,,*856699# or +13017158592,,85458577166#,,,,*856699#

Or Telephone:

Dial: 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: 854 5857 7166

Passcode: 856699

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Passcode: 856699
Or One tap mobile:
US: +13126266799,,85458577166#,,,,*856699# or
+13017158592,,85458577166#,,,,*856699#
Or Telephone:
Dial: 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: 854 5857 7166
Passcode: 856699

Published in Daily Herald February 21, 2022 (4578301)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

DuPage County Daily Herald

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

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

County(ies) of DuPage

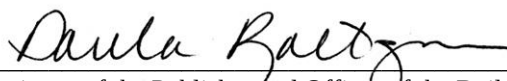
and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the DuPage County DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 02/21/2022 in said DuPage County DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY


Designee of the Publisher and Officer of the Daily Herald

Control # 4578301

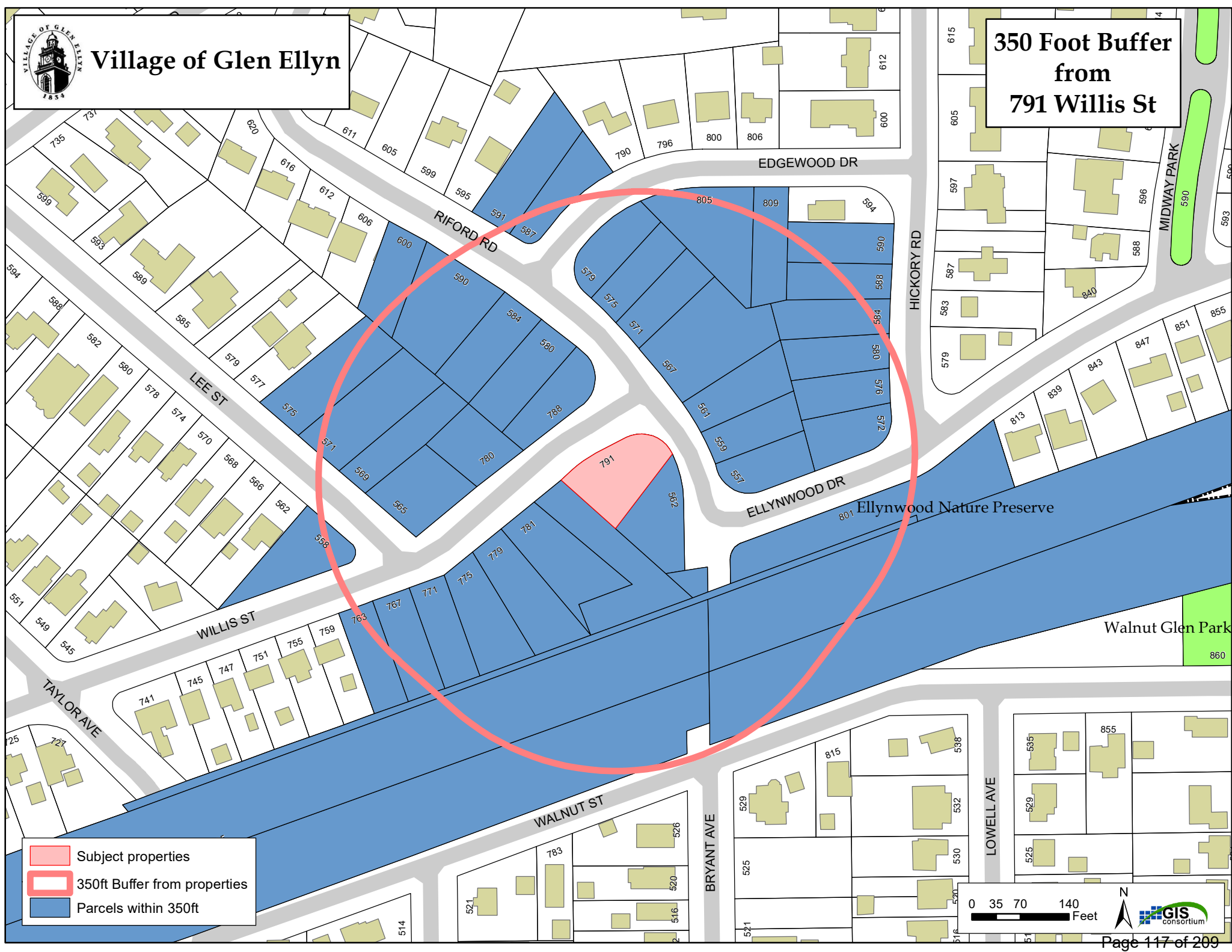
791 Willis Street Address List

Name	St. #	St. Dir.	St. Name	City	State	Zip
Amoruso, L & D Lydon	569		Lee St	ilen Ellyn	IL	60137
Avolio, Charles E	590		Hickory Rd	ilen Ellyn	IL	60137
Banks Jr, Robert G	575		Lee St	ilen Ellyn	IL	60137
Brown, Neil & Brooke	788		Willis St	ilen Ellyn	IL	60137
Bush, Gary & Debra	572		Hickory Rd	ilen Ellyn	IL	60137
Byrne, Robert E	779		Willis St	ilen Ellyn	IL	60137
Ciccione, Samuel & Alison	576		Hickory Rd	ilen Ellyn	IL	60137
Connelly, Shawn	588		Hickory Rd	ilen Ellyn	IL	60137
Cotter, Harry B	775		Willis St	ilen Ellyn	IL	60137
Dabrowski, Mary A	590		Riford Rd	ilen Ellyn	IL	60137
Di Santis, Margaret	780		Willis St	ilen Ellyn	IL	60137
Dupage County Hwy Dept	130	N	County Farm Rd	heaton	IL	60187
Fattal, Jeffrey & Brooke	591		Riford Rd	ilen Ellyn	IL	60137
Ford, Stephen & Heidi A	559		Riford Rd	ilen Ellyn	IL	60137
Glen Ellyn Park Dist	185		Spring Ave	ilen Ellyn	IL	60137
Hall, W & C Wright	809		Edgewood Dr	ilen Ellyn	IL	60137
Hansen, William G & B M	767		Willis Ave	ilen Ellyn	IL	60137
Keane, James G & Mary T	565		Lee St	ilen Ellyn	IL	60137
Keller, David W	771		Willis Ave	ilen Ellyn	IL	60137
La Fontaine, William & V	557		Riford Road	ilen Ellyn	IL	60137
Laszlo, Matthew & Andrea	571		Riford Rd	ilen Ellyn	IL	60137
Mattson, Christine	584		Riford Rd	ilen Ellyn	IL	60137
Mc Elvain, Peter & Carol	587		Riford Rd	ilen Ellyn	IL	60137
Mc Gurk, John & Sarah	580		Hickory Rd	ilen Ellyn	IL	60137
Miller, Rapheal D	763		Willis St	ilen Ellyn	IL	60137
Montana, Patrick & C	561		Riford Rd	ilen Ellyn	IL	60137
O Neal, Ryan	580		Riford Rd	ilen Ellyn	IL	60137
Petersen, Jeffrey	558		Lee St	ilen Ellyn	IL	60137
Peterson, Paul & Michelle	579		Riford Rd	ilen Ellyn	IL	60137
Pudaite, Paul & G M Hower	562		Riford Rd	ilen Ellyn	IL	60137
Reinertsen, Carolyn J	600		Riford Rd	ilen Ellyn	IL	60137
Rollins, Todd & Annalise	571		Lee St	ilen Ellyn	IL	60137
Rueffer, B & M Greenfield	575		Riford Rd	ilen Ellyn	IL	60137
Shekleton, Maureen E	805		Edgewood Dr	ilen Ellyn	IL	60137
Stein, Robert E	791		Willis Ave	ilen Ellyn	IL	60137
Stuart, Wm & Katherine	584		Hickory Rd	ilen Ellyn	IL	60137
Thome, Terry & Susan	781		Willis St	ilen Ellyn	IL	60137
Tsamoulos, Samuel & S	567		Riford Rd	ilen Ellyn	IL	60137



Village of Glen Ellyn

350 Foot Buffer
from
791 Willis St



- Subject properties
- 350ft Buffer from properties
- Parcels within 350ft





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

Meeting 3/8/2022 7:00 PM
Department: Community Development
Department Head: Staci Springer
Category: Public Hearing
Prepared By: Atrin Fard, Kelly Purvis

**AGENDA ITEM (ID
2022-1990)**

DOC ID: 2022-1990

249 Kenilworth Court

Richard and SuzAnne Cholewinski, owners of the property at 249 Kenilworth are requesting construction necessitated zoning variations from the Zoning Code to allow the existing building addition, deck, water garden, walkway, and excessive impervious surface coverage to remain.

Statement of the Issue:

Please see attached.

Analysis:

Please see attached.

Budget Impact:

Please see attached.

Action Requested:

Please see attached.

Attachments:

1. 249 Kenilworth - Staff Report
2. 1. Application Materials
3. 2. Petitioner's Narrative Statement
4. 3. Property Aerial Map
5. 4. Zoning Map
6. 5. 1' Contour Map
7. 6. Plat of Survey – September 15, 2021
8. 7. Approved Plat of Survey – December 22, 2006
9. 8. Existing Conditions Photos
10. 9. Photo of the Deck - 2006
11. 10. Cost Estimate to Remove Work
12. 11. Review Letter from Building and Zoning Official, dated June 30, 2021

13. 12. Review Letter from Building Plan Examiner, dated August 12, 2021
14. 13. Review Letter from Building and Zoning Official, dated December 14, 2021
15. 14. Public Notice
16. 15. Certificate of Publication
17. 16. Letters of Support
18. 17. Utility Easement Affidavit
19. 18. Ordinance No. 5457 – Adopted April 10, 2006
20. 19. Map of properties notified by mailing
21. 20. Mailing list

STAFF REPORT

TO: The Zoning Board of Appeals

FROM: Kelly Purvis, Planning Manager
Atrian Fard, Planner

DATE: February 21, 2022

SUBJECT: March 8, 2022 - Zoning Board of Appeals Meeting

PETITIONER: Richard and SuzAnne Cholewinski, owners of the subject property, are requesting a public hearing for construction necessitated zoning variations for the property located at 249 Kenilworth Court.

PROPERTY: The subject property is an interior lot located on the southwest end of a cul-de-sac known as Kenilworth Court, on the west side of North Kenilworth Avenue between Linden Street and Hawthorne Boulevard.

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

1. Section 10-5-5(B)(4) #18.c.1 to allow existing impervious surfaces to cover approximately 1,800.15 square feet, or 59.6 percent of the required front yard, where only up to 50 percent, or approximately 1,510 square feet, of the required front yard is permitted to be covered by impervious surfaces;
2. Section 10-4-8(D)(2) to allow an existing addition to be approximately 18.14 feet at its closest point, from the south, rear lot line where a rear yard setback of 40 feet is required in the R2 Residential District;
3. Section 10-5-5(B)(4) #8 to allow an existing deck to be approximately 10.25 feet at its closest point, from the south rear lot line where a rear yard setback of 16 feet is required;
4. Section 10-5-5(B)(4) #22 to allow an existing water garden (pond) to be approximately 1.84 feet from the south rear lot line where a rear yard setback of 16 feet is required;
5. Section 10-5-5(C)(1) to allow an existing walkway to be approximately 5 feet from the south rear lot line where a minimum impervious surface setback of 8 feet (or 5% of the lot width) is required for lots more than 100 feet in width; and
6. Any other zoning relief necessary to allow the existing building addition, impervious surface coverage in front yard, deck, and water garden to remain as constructed and as depicted on the plans presented at the public

hearing or at a public meeting of the Village Board.

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

PUBLIC NOTICE: Notice of the public hearing was published in the February 21, 2022, edition of the Daily Herald, mailed to property owners within 350 feet of the subject property, and a placard was placed on the property.

ZONING ORDINANCE HISTORY: On April 10, 2006, the Village adopted Ordinance No. 5457, which granted approval of the following zoning variations for the subject property:

1. to allow the construction of a second-story addition above the existing home that has a rear yard setback of 10.03 feet in lieu of the required rear yard setback of 40 feet; and
2. to allow the construction of an open, one-story, roofed-over porch with a side yard setback of 11 feet in lieu of the minimum required side yard setback of 16 feet.

PERMIT HISTORY:	Year	Permit No.	Type
	1971	B1825	Building a New Single-Family Residence
	2006	26355	Addition (related to Ordinance No. 5457), Alteration, and Detached Garage
	2007	26642	Fence
	2020	20201143	Roof

EXISTING:	R2 Lot Requirements [10-4-8(D)]	Subject Property Data
Lot Area	8,712 ft ² (0.20 acres)	~13,535 ft ² (0.31 acres)
Lot Width	80', corner lots; 66', all other lots	160'
Lot Depth	110'	70.25'
Front Yard	30' (between 30' and 50' for new construction; but no closer than the closest principal structure on adjacent lots on the same side of the street)	30.04' actual
Side Yard	16'	9.41' (northwest), 69.3' (west); and 54.6' (east)
Rear Yard	40'	9.96'

PROJECT HISTORY:

Per permit B1825, the subject property was improved with a two-story frame single-family home in 1971. Due to the nature of the cul-de-sac, the lot has an irregular shape with approximately 160 feet of width, and an average depth of approximately 70.25 feet. Given the dimensions, the lot is considered much wider than those typical for the R2 district, and yet too shallow, resulting in a nonconforming depth. As such, the bulk of the house is located within the required rear yard setback and is considered legal nonconforming.

In January 2006, the petitioners purchased the property with the intention to invest in and update their house in a manner that would enhance the appearance and functionality of the residence. However, as a nonconforming property that is deficient in lot depth and rear yard setback, there is not ample buildable area, and almost any enlargements or structural alterations to improve the house would require variations. This hardship led the homeowners to request zoning variations a few months after purchasing the property to allow for a second-floor expansion to encroach into the required rear yard and an open front porch to encroach into the interior side yard. In April 2006, the Village Board granted the variations due to the particular hardship created by the irregular-shaped lot and the unique relationship and orientation to the cul-de-sac (please see attached Ordinance No. 5457). Subsequently, a building permit application was filed (permit No. 26355) and approved that same year. The building permit included the construction of a new pitched roof, the second-story addition, a detached garage, a covered front porch, and a shed. The project's completion deadline was extended several times for nearly three years until the passage of the final building inspection in April 2009, when the building permit was ultimately closed out. Since then, the subject property was issued two additional building permits to install a fence (2007) and replace the roof (2020).

In June 2021, the Village Building Department received a complaint regarding work done on the subject property without obtaining a building permit. To validate the complaint, staff reviewed the permit files and found no permits for additions and alterations issued since permit No. 26355 in 2006. A review of the recorded drawings approved in 2006 indicated that the house, at that time, had two stories in height, with five bedrooms and 2.5 bathrooms, whereas a 2021 real estate listing of the property featured a three-story residence with five bedrooms and 5.5 bathrooms. Consequently, on June 30, 2021, the Village Building and Zoning Official notified the homeowners of the numerous building and plumbing violations and directed them to apply for a building permit for these improvements (see attached letter from June 30, 2021).

On July 12, 2021, the homeowners filed a building permit application and submitted as-built drawings. On August 12 and December 14, 2021, staff sent rejection letters pertaining to zoning, building, and drainage plan requirements (see attached letters). Specifically, the zoning review found that the renovated kitchen, driveway expansion, deck, and water garden (pond) did not comply with the setback and impervious surface requirements.

Furthermore, staff informed the homeowners of the need to either correct the improvements to comply with the Zoning Code provisions or file a Construction Necessitated Zoning Variation. On December 20, 2021, the homeowners notified the Village that they prefer to pursue zoning variations to legalize the improvements in violation.

Kitchen Enlargement

Per Section 10-4-8(D)(2), no building or addition thereof may be located within the required rear yard of 40' in the R2 zoning district unless a zoning variation is granted. In August 2009, the homeowners constructed a 58.6 square-foot addition to the back of the house to expand the kitchen space and accommodate a new island structure. Although the kitchen addition increased the building's footprint, the petitioners claim that this new cantilevered addition did not alter the building's existing foundation. The petitioners have indicated that they did not realize they needed to seek a building permit or a zoning variation. The petitioners regret their actions of not following the legal path but blame the lot's unique shape, which challenges any improvement without the approval of a variation.

The kitchen bump-out currently sets back 8.18 feet from the southeast corner of the house and 18.14 feet from the rear property line. While the kitchen addition is constructed further away from the rear lot line than the southeast portion of the house that has existed since 1971, the addition's placement does not meet the full rear yard setback requirement of 40 feet. Thus, a zoning variation from the rear yard setback requirement will need to be granted to allow the kitchen addition to remain as constructed.

Deck

Per Section 10-5-5(B)(4) #8, decks are required to be no closer to a rear property line than 10 percent of the lot width, or 16 feet in this case. According to the original plat of survey, the old deck extended approximately 3.5 feet into the required setback of 16 feet and was considered nonconforming. As part of the renovations done in 2009, the petitioners replaced the old wood deck while changing the layout of the edges. The petitioners claim they did not seek a building permit for the deck as they believed the deck was preexisting and its alteration would not need a building permit. According to the most recent plat of survey, dated September 15, 2021, the existing deck is now approximately 2.25 feet closer to the rear property line than the old deck, which increased the nonconforming condition. Given that, a zoning variation is required to allow the existing deck to remain.

Impervious Surface Coverage

Per Section 10-5-5(B)(4) #18.c.1, impervious surfaces may cover no more than 50 percent of the required front yard on properties in the R2 zoning district. The maximum permitted coverage for impervious surfaces in the required front yard for the subject property is approximately 1,510.9 square feet. According to the petitioners' narrative statement, in 2009, the homeowners installed a circular asphalt driveway extension to provide access

to the permitted detached garage. The petitioners claim that they forgot to include the driveway expansion in the initial drawings for zoning variation and regret their decision of not obtaining a building permit. A year later, the petitioners installed a brick paver walkway between the attached and detached garages to provide access from the front to the rear yard. The petitioners state they were unaware that a permit was needed for the construction of the walkway.

It should be noted that pavers are regulated as impervious surfaces since at least 50 percent of the whole surface or portion thereof is incapable of allowing water to penetrate into the ground below. With a combined impervious surface area of approximately 1,800.1 square feet, the percentage of the required front yard covered by impervious surfaces (circular driveway and walkways) is 59.6 percent, where a maximum of 50 percent is permitted by the Zoning Code. Therefore, a zoning variation is required to allow the nonconforming impervious surfaces to remain.

Pervious Paver (Walkway)

As noted above, the petitioners installed the pervious pavers in 2011 to connect the driveway areas at front to the rear wooden deck and the home's backdoors. The existing walkway encroaches approximately 3 feet into the required impervious surface setback of 8 feet. Therefore, a zoning variation shall be granted to allow the existing walkway to remain within the impervious surface setback.

Water Garden (Pond)

Per Section 10-5-5(B)(4) #22, ponds must maintain a minimum setback of 10% of lot width, or 16 feet in this case, from any property line. In addition, ponds must comply with all building and Zoning Code regulations for swimming pools if depth of water is 2' or greater. Between 2010 and 2011, the petitioners built a water garden at the rear of the property between the detached and attached garages. At 1.84 feet from the rear property line, the water garden encroaches 14.16 feet into the required setback of 16 feet. A building permit was not issued for the water garden and a zoning variation will be required to allow the water garden to remain in its existing location. The petitioner has indicated that the water garden's deepest point is currently 24 inches, with an average of 10 inches in most areas. The petitioner has also stated that they can fill the pond to reduce the maximum depth to less than 24 inches. Staff suggests that the Zoning Board of Appeals consider adding a condition of approval that the water garden not exceed a maximum of 23 inches in depth should they recommend approval of the existing water garden to remain.

Based on the most recent plat of survey, a portion of the existing walkway extends up to 5 feet into the rear yard's 10-foot drainage and public utility easement. Similarly, the water garden (pond) is currently encroaching 8.16 feet into the easement area along the rear property line. Staff recommends the petitioners sign a Utility Easement Affidavit should the variations be approved for the walkway and water garden setbacks (Affidavit is attached).

However, if the variations for the walkway and water garden are denied and compliance with the setbacks are required, the walkway and water garden shall then be entirely moved out of the 10-foot easement area.

The applicant prepared a drainage plan submittal that reflects the improvements that were built. The Village's consulting engineer reviewed this submittal and determined that no additional stormwater management measures were required. The plan was approved on January 13, 2022.

Attached to this staff report are 7 letters of support provided from neighbors and friends, including two adjacent single-family homes, two single-family residents within 250 foot-buffer of the subject property, two letters from the petitioner's former neighbors, and a single-family resident from a nearby neighborhood. These letters have been included for the review and consideration of the ZBA and will be submitted into the official record of the hearing.

PROPOSED:

Per Section 10-10-12 of the Glen Ellyn Zoning Code, the petitioners are requesting approval of construction necessitated variations to allow the existing building addition, deck, and water garden (pond) to remain in their existing locations, encroaching into the required rear yard setbacks per the attached plat of survey exhibit. The petitioners also seek approval of CNVs to allow the existing walkway to encroach into the required impervious surface setback and maintain the driveway and walkway expansion of approximately 289.2 square-feet at the front of the existing residence. If the variation requests are denied, the petitioners have provided the following cost estimates of:

- \$68,500 to bring the non-conforming kitchen addition into compliance.
- \$10,500 to remove the nonconforming portion of the existing wooden deck and add landscaping.
- \$3,450 to remove the nonconforming impervious surfaces and restore the area with sod.
- \$2,750 to remove the water garden and refill the area with sod.

In order for the improvements to remain as constructed, the abovementioned variations will need to be granted.

ZBA ACTION:

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

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

ATTACHMENTS

1. Application Materials
2. Petitioner's Narrative Statement
3. Property Aerial Map
4. Zoning Map
5. 1' Contour Map
6. Plat of Survey – September 15, 2021
7. Approved Plat of Survey – December 22, 2006
8. Existing Conditions Photos
9. Photo of the Deck - 2006
10. Cost Estimate to Remove Work
11. Review Letter from Building and Zoning Official, dated June 30, 2021
12. Review Letter from Building Plan Examiner, dated August 12, 2021
13. Review Letter from Building and Zoning Official, dated December 14, 2021
14. Public Notice
15. Certificate of Publication
16. Letters of Support
17. Utility Easement Affidavit
18. Ordinance No. 5457 – Adopted April 10, 2006
19. Map of properties notified by mailing
20. Mailing list

CC:

Staci Springer, AICP, Director of Community Development
Stephen Witt, Building & Zoning Official
Paula Moritz, Plan Reviewer
Richard and SuzAnne Cholewinski, Property Owners

X:\Plandev\BUILDING\ZBA\5. VARIATION BY
ADDRESS\K\KENILWORTH\249 Kenilworth\Meeting Materials\ZBA

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

APPLICATION FOR VARIATION

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

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

I. APPLICANT INFORMATION:

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

Name: Rick and SuzAnne Cholewinski

Address: 249 Kenilworth Court, Glen Ellyn, IL 60137

Home Phone No.: (630)220-5725 Work Phone No.: _____

Mobile Phone No.: (708) 417-8651 Fax No.: _____

E-mail: suzjoyski@yahoo.com

Ownership Interest in the Property in Question: Single Family Residence

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):

Homeowner is 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):

Homeowner is the applicant

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: 249 Kenilworth Court, Glen Ellyn, IL 60137

Permanent tax index number: 05-10-205

Legal description:

Lot 4 in Harrisons fifth resubdivision of parts of lot 3 in
block 1 of Robertsons seventh addition to Glen Ellyn,
Being a sub division in the East 1/2 of section 10,
Township 39 North range 10, East of the third principal
meridian, according to plat of said harrisons fifth
resubdivision recorded June 22, 1971, as document
R71-28290, in DuPage County, Illinois.

Zoning classification: Single Family Residential

Lot size: _____ ft. x _____ ft. Area: .31 acres sq. ft.

Present use: Single Family Residential Home.

IV. **INFORMATION REGARDING THE VARIATION(S) REQUESTED:**

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

~~Kitchen bump out addition- section 10-4-8 (D)(2) - variation from the~~
~~required rear yard setback.~~

~~Impervious surface coverage: Table 10-5-5 (B) (4) - 18- Maximum~~
~~50% impervious surface coverage in the required front yard setback.~~

~~Wood Deck: Table 10-5-5 (B) (4) - 8 - Setback~~

~~Water Garden: Table 10-5-5 (B) (4) - 22- setback~~

Estimated date to begin construction: Work has been completed since 2012.

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

Steve Gawlik
S.G. Architects Inc.
1401 Branding Ave. Suite 270
Downers Grove, IL 60515
(630) 969-9279

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:

Due to the irregular geometry of the shape of the lot and set-backs make the lot un-buildable without variance.

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 Unique shape of our lot limits our ability to make any home improvements without a variant.

please see picture from original permit plat of survey which illustrates buildable area.

OR

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

Any improvements to our property require a variance due to our abnormal lot size. when we remodeled our kitchen in 2009, three years after our initial construction, the cantilevering of our kitchen space 2.5 feet by 22 feet allowed us to incorporate an island into our kitchen design. It did not occur to us at the time that we were in violation of any zoning codes. We were trying to stay consistent with interior proportions to meet the redesigned house.

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

The architectural design did not change the character of our home. Our old home was a mansford style structure so in addition to the flat roof, the entire back two story south side of the home was flat also the existing deck had no safety railing.

The bump out created better estetics and the alterations to the deck provided safety. our neighbors were in support of the changes.

please refer to attached neighbor support letters.

- 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:

Our permitted detached garage needed access and due to the fact that the vast majority of our property is on the west side of our home, there was not alternative space for these improvements. our neighbors in direct contact with our lot lines to the south and east, all have 75 plus feet of lawn between their primary living structures and our home and driveway.

(please refer to attached east, south and west neighbor pictures)

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:

This lot is on a Cul de sac which has created a very irregular foot print which is very uncommon and not a typical rectangular shape.

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 bought this home in 2006 and it has been our family home ever since. We have done all of the improvements to meet the needs of our growing family and improve the appearance of the community. The permitted detached garage made it necessary for access to it and we added a water garden to make the transition between the garages to our back yard more pleasing. After the initial phase of construction on our home it perportionally made the gally kitchen obsolete. the small bump out allowed for a more functional kitchen to meet our familys needs.

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.

One third of our home is encompassing our rear yard due to the odd lot side. The unique shape of our yard has made it impossible to make any improvements without requesting a variance.

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

None of the variations requested have shown to have any negative impact on the neighborhood. Please refer to the overwhelming support of our neighbors in the letters we have provided with our variance application.,

6. Provide evidence that the proposed variation will not:

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

None of the requested variations result in impairment to light or air to adjacent properties. All direct neighbors to the west, south and east have 75 plus feet between our homes.

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

The requested variations do not create any life safety issues.

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

The requested variations do not impair any public health, safety or general welfare to the village.

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

None of the requested variations diminish or impair property values to the neighborhood.

e. Unduly increase traffic congestion in the public streets and highway;
The requested variations do not have any impact to traffic or
create any type of congestion.

f. Create a nuisance; or

The requested variations do not create a nuisance. Our closest
neighbors to the west, east and south have over 75 feet of lawn
buffering our home from theirs.

g. Results in an increase in public expenditures.

There will be no increase in public expenditures.

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

1/3 of our home was built in required rear yard setback and in order to
make any improvements to our home it is necessary to request a
variance. The driveway made it accessible to the permitted detached
garage. Minimal changes were made to the existing structure.

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

The work for which the variations are being applied for are changes that
have evolved over the last 15 years unknowingly that a variation would
be necessary.

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.

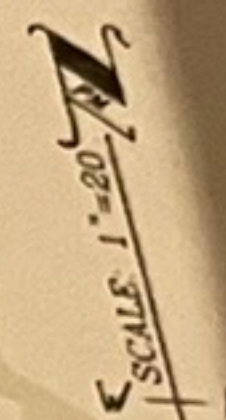
I (We) consent to accept and pay the cost to publish a notice of Public Hearing as submitted on an invoice from the publishing newspaper. I (we) understand that our request will not be scheduled for a Village Board agenda until and unless this invoice is paid.

<u>1/26/2022</u>	<u>richard cholewinski</u>	<u></u>
Date	Print Name Text	Signature of Applicant
<u>1/26/2022</u>	<u>suzanne cholewinski</u>	<u></u>
Date	Print Name	Signature of Applicant
<u> </u>	<u> </u>	<u> </u>
Date	Print Name	Signature of Applicant

Only buildable area

EXISTING AND PROPOSED BLACKTOP
PAVING IS LESS THAN 50% OF FRONT YARD
FRONT YARD

LESS THAN 50% OF FRONT YARD	
FRONT YARD:	3,169 Sq. Ft.
EXISTING BLACKTOP	709 Sq. Ft.
PROPOSED BLACKTOP	738 Sq. Ft.
EXISTING SIDEWALK	88 Sq. Ft.
TOTAL IMPERVIOUS	1,535 Sq. Ft. (48.4%)



AFFIDAVIT OF AUTHORIZATION

I, _____ owner of the property described as

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

Owner Signature

Subscribed and sworn to before me this
_____ day of _____, 20_____

Notary Public

OWNERSHIP BY A CORPORATION

Date: _____

Address: _____

Legal Description: _____

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

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

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Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

OWNERSHIP BY LAND TRUST

Date: _____

Address: _____

Legal Description: _____

TRUSTEE: _____ TRUST NO. _____

Address: _____

LIST ALL BENEFICIARIES:

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

REIMBURSEMENT OF FEES AGREEMENT

Village of Glen Ellyn Acct: # _____
Initial Deposit Amount: _____

I. DESCRIPTION OF PROJECT: Improvements to 249 Kenilworth Ct.

II. OWNER:

- A. Owner of Property: Richard Cholewinski
- B. Owner's Address: 249 Kenilworth Ct.
- C. Owner's Home Phone Number: 708-417-8651 Fax: _____
- D. Owner's Work Phone Number: 708-417-8651
- E. Owner's E-mail: Suzjoyski@yahoo.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: Richard Cholewinski
- B. Petitioner's Address: 249 Kenilworth Ct.
- C. Petitioner's Home Phone Number: 708-417-8651
- D. Petitioner's Work Number: 708-417-8651
- E. Petitioner's E-mail: Suzjoyski@yahoo.com

IV. LOCATION OF PROPERTY:

- A. General Location of Property: 249 Kenilworth Ct.
- B. Acreage of Parcel: 0.31
- C. Permanent Index Number(s): 05-10-205-027
- D. Legal Description (Please attach)

V. REIMBURSEMENT OF FEES:

The Ordinances of the Village require the owners of property, or individuals seeking to utilize property, to receive approval by ordinance or the issuance of a permit to undertake various uses or improvements of property in the Village. These uses can include requests for textual or map changes in the Zoning Ordinance, applications for building permits, requests for zoning relief and other similar requests. The Village has established a fee schedule for the anticipated use of staff time in processing such petitions or applications. In many cases, however the Village cannot reasonably evaluate the validity or compliance of the petition or application with the Ordinances of the Village without the use of reports from various consultants. In some cases, the application or petition requires among other things, public hearings and associated public notice costs, preparation of minutes or transcripts from the public hearing or meeting, recording costs of Ordinances and the preparation of reports by consultants whose services require the payment of out-of-pocket expenses by the Village. These expenses would not have been incurred but for the petition or application. The Village does not intend to seek to make a profit on its utilization of such consultants, but requires that the applicant, or the person receiving benefit, shall be obligated to reimburse the out-

of-pocket expenses incurred by the Village. The Village shall seek to employ consultants who shall charge rates consistent with those paid by private parties who seek similar consulting services. The Village intends, through this Agreement, to cause the payment of out-of-pocket expenses and to require the creation of an escrow fund to guarantee that the petition or application will not result in the citizens of the Village being required to pay for costs incurred at the request of the owner or applicant.

This document shall constitute a contract when an application is made for a license, permit, request for zoning relief or other approval involving the use of real property. Should the Village, in its sole and exclusive discretion, determine that it is necessary or desirable for the Village to obtain professional services, including, but not limited to, attorneys, engineers, planners, architects, surveyors, court reporters, traffic, drainage or other consultants, including full and/or part time site inspection services during the actual construction of any required improvements, and/or to incur costs related to any required notices or recordations, in connection with any application or petition filed by the petitioner then the petitioner and owner shall be jointly and severally liable for the payment of such professional fees and costs, as shall actually be incurred by the Village. The Planning and Development Director is hereby authorized to assign the above described services to the Village staff or to consultants, as the Director deems appropriate and without prior notification to the petitioner.

Any application or petition to be reviewed by the Planning and Development Department or by the Plan Commission shall require the petitioner to establish an escrow account with the Village in an amount determined by the Planning and Development Director to reimburse the Village for all out of pocket costs associated with the request. These out of pocket costs will cover such things as services provided by the Village's consulting engineer, consulting attorney, consulting planner, traffic consultant, wetland consultant, landscape consultant, architectural consultant, appraiser and transcriber, among others, as well as reproduction costs, public hearing notice costs, recording costs, etc. Along with the application the petitioner shall also submit a signed copy of this agreement thereby acknowledging and agreeing to reimburse the Village for all out of pocket costs associated with the application or petition.

This agreement shall be accompanied by an initial deposit in an amount to be determined by the Director of Planning and Development but shall be no less than \$500. The Village will provide an itemized list of Village expenses incurred related to any charge to the escrow account, and the petitioner shall deposit funds to reimburse the Village for those expenses upon notice from the Village that the deposit has dropped below \$300. If the expenses are not reimbursed, then reviews meetings and permits associated with out of pocket costs will cease, and the request will not be moved forward through the review process. At the completion of the review process, and development of the project, if appropriate, any remaining balance from the deposit will be returned to the petitioner, without interest, after all expenses have been paid.

The Village shall deduct the incurred expenditures and costs from the funds deposited. If the remaining deposit balance falls below \$300.00, the petitioner, upon notice by the Village, shall be required to replenish the deposit to its initial amount. The Village shall mail the petitioner regular invoices for the fees and costs incurred. The petitioner shall replenish the deposit amount within thirty (30) days of issuance of each such invoice directing replenishment of the deposit.

A petitioner who withdraws his or her petition may apply in writing to the Planning and Development Director for a refund of his or her remaining escrow balance. The Planning and Development Director may, at his or her discretion, approve such refund less any actual fees and costs, which the Village has already paid or incurred relative to the application.

Upon the failure of the petitioner or owner to reimburse the Village in accordance with this Agreement, no further action shall be undertaken on the application by the Village President and Board of Trustees, or by any other official or quasi-official individual or body thereunder, including the conduct of any hearings or deliberations, reviews of any plans or applications, the granting of any relief or approvals, issuance of any permits or occupancies, performance of inspections and the execution or recording of any documents, until all such outstanding fees are paid in full and/or the initial deposit is restored to its full amount. Upon any failure to reimburse the Village in accordance with this Section, the Village may in its discretion, apply any or all of the initial deposit to the outstanding balance due.

The remedies available to the Village as set forth hereinabove are non-exclusive and nothing herein shall be deemed to limit or waive the Village's right to seek relief of such fees against any or all responsible parties in a court of competent jurisdiction.

Any remaining balance of any funds deposited pursuant to this Agreement shall be refunded at such time as the completion of Village deliberation on the petition or application, recordation of all necessary documents associated with the petition or application, issuance of a building permit, approval of a final inspection, or issuance of a final certificate of occupancy upon the real property in question whichever occurs later.

BY SIGNING BELOW, THE PETITIONER AND OWNER ACKNOWLEDGE THAT EACH OF THEM HAS READ THE FOREGOING PARAGRAPHS AND EACH OF THEM FULLY UNDERSTANDS AND AGREES TO COMPLY WITH THE TERMS SET FORTH HEREIN. FURTHER, BY SIGNING BELOW, EACH SIGNATORY WARRANTS THAT HE/SHE/IT POSSESSES FULL AUTHORITY TO SO SIGN.

THE PETITIONER AND OWNER AGREE THAT PETITIONER AND OWNER SHALL BE JOINTLY AND SEVERALLY LIABLE FOR PAYMENT OF FEES REFERRED TO IN APPLICABLE SECTIONS OF THE ORDINANCES OF THE VILLAGE OF GLEN ELLYN, AND THE OBLIGATIONS FOR PAYMENT RELATING TO THE FILING OF PETITION OR APPLICATION, AS SET FORTH HEREIN.



Petitioner



Owner

Date: 1-10-22

Village of Glen Ellyn

By: _____
Planning and Development Director

Date: _____

268325 (1/4)
WARRANTY DEED
TENANTS BY THE ENTIRETIES

GIT

GRANTOR(S), MICHAEL J. GORR AND KATHLEEN H. GORR, Husband and Wife,
of 249 Kenilworth Court,
Village of Glen Ellyn, State
of Illinois, for and in consideration of
Ten Dollars (\$10.00) and other
good valuable consideration in
hand paid, **CONVEY(S)** and
WARRANT(S) to the **GRANTEE(S)**,
RICHARD CHOLEWINSKI and
SUZANNE CHOLEWINSKI, husband

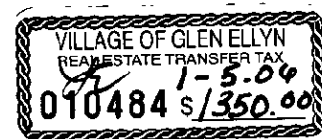
and wife, of 1N321 Prairie Avenue, Glen Ellyn, State of Illinois, not in TENANCY IN COMMON, not
in JOINT TENANCY, but in TENANCY BY THE ENTIRETY the following described real estate to wit:

**LOT 4 IN HARRISON'S FIFTH RESUBDIVISION OF PARTS OF LOT 3 IN BLOCK 1 OF
ROBERTSON'S SEVENTH ADDITION TO GLEN ELLYN, BEING A SUBDIVISION OF THE EAST
HALF OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL
MERIDIAN, ACCORDING TO THE PLAT OF SAID HARRISON'S FIFTH RESUBDIVISION
RECORDED JUNE 22, 1971 AS DOCUMENT R71-28290, IN DUPAGE COUNTY, ILLINOIS.**

PIN: 05-10-205-027
COMMON ADDRESS: 249 Kenilworth Court, Glen Ellyn,, IL 60137

SUBJECT TO: Only to the following "permitted exceptions", if any, none of which shall impair the use
of the property as a residence; general real estate taxes not due and payable as of closing date; special
assessments confirmed after contract date; covenants, conditions and restrictions of record; building
lines and easements; hereby releasing and waiving all rights under and by virtue of the Homestead
Exemption Laws of the State of Illinois. **TO HAVE AND TO HOLD** said premises not in Tenancy in
Common, not in Joint Tenancy, but as **TENANTS BY THE ENTIRETY forever and intended by the
Grantees to be occupied by them as homestead property.**

DATED this 6th day of January, 2006.



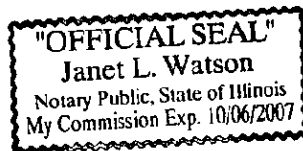
Michael J. Gorr
MICHAEL J. GORR

Kathleen H. Gorr
KATHLEEN H. GORR

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 MICHAEL J. GORR and KATHLEEN H. GORR, Husband and Wife, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal, this 6th day of January, 2006.



Janet L. Watson
Notary Public

PREPARED BY:

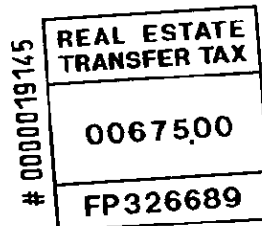
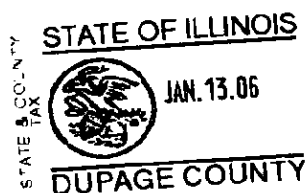
JANET L. WATSON, ESQ.
330 S. Naperville Road #405
Wheaton, IL 60187

MAIL TAX BILL TO: Grantee Address:

RICHARD CHOLEWINSKI
249 Kenilworth Court
Glen Ellyn, IL 60137

RETURN TO:

Mary Lou McLennan
209 S. Naperville Road
Wheaton, IL 60187



Affidavit Affirming No Conflict of Interest

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

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

Further affiant sayeth naught.

Name: SuzAnne Cholewinski

Title: Home owner

Applicant's Name: SuzAnne Cholewinski

[Signature]

Subscribed and sworn to me this

17 day of February, 2022

Laura L. Tisnai
Notary Public



249 Kenilworth Court Narrative

We have both grown up in Glen Ellyn and have enjoyed raising our two daughters here.

We purchased our home on Kenilworth Court January 2006 with the hopes of improving the appearance of the then outdated mansard style home. We had plans drawn up in 2006 and proceeded to start variance proceedings for our project in 2006. We were granted our variance requests and permits for our home addition and detached garage in November 2006. The initial build out was a large financial commitment and took a little over a year. Our permit was closed out early 2008. It was during that time frame that we completed phase one of our project.

We did add a 10x12 foot driveway extension approximately a year later due to the hardship we had accessing our detached garage with such a narrow and sharp approach. On numerous occasions we would drive over the lawn to access the detached garage. We didn't get a permit because we knew we messed up by not having a circle driveway drawn up on the initial plans we submitted for a variance in 2006. At that time we didn't realize the hardship we would have accessing our detached garage.

The interior of the home kitchen remodel was started in August 2009 during phase two of our home renovation project. The cantilevered portion of the kitchen was worked into the kitchen design in order to accommodate an island and expand the original small galley kitchen. At the time we didn't even think about the zoning issues that the bump out would create because it did not alter the foundation and we have a bump out on the front of the house that wasn't even discussed in the initial variation meeting. Due to our odd shaped lot the unfortunate reality is that no matter what improvement we do to our home requires the added step of a variance. My husband finished the kitchen himself with the help of a family contractor and looking back now we regretfully did not obtain a permit.

During the time of the kitchen remodel we altered the existing deck by adding safety railings, new decking and squared off two sections maintaining the 10 foot set back that was existing. We have two doors that lead to the back yard and need access to the outdoors. A permit was not obtained because we felt it was existing. Again we are very regretful for not pursuing the proper channels.

In the summer of 2010 we put in pavers between the garages and along the back of the house to provide access without muddy transfer not thinking pavers would require a permit because they are previous material.

We added the water garden ourselves soon after that and unfortunately did not apply for a permit. The odd lot shape makes for a difficult situation for us to perform any home improvements at all. The completion of the water garden was in the summer of 2011.

Our surrounding neighbors all have over 75 feet of lawn between our improvements and their homes. We have included numerous letters of support from them.

Our daughters graduated College and moved to Colorado so we made the decision to downsize and put our home up for sale May, 2021. We agreed on an offer at that time. and were due to close on the home in August 2021. Our deal fell through 3 weeks before closing after the lawyer representing the buyers notified the village of the nonconforming improvements.

We have been working diligently ever since to rectify the situation so we can list our home again. Especially since we already purchased another home in Glen Ellyn and have been paying on two homes for the past 9 months.

To remove any of the improvements would be a tremendous hardship and expense that we just can't afford on top of all the other expenses involved in this process. We are truly sorry for the choices we have made and honestly have looked at our home as a labor of love over the many years we have spent here.

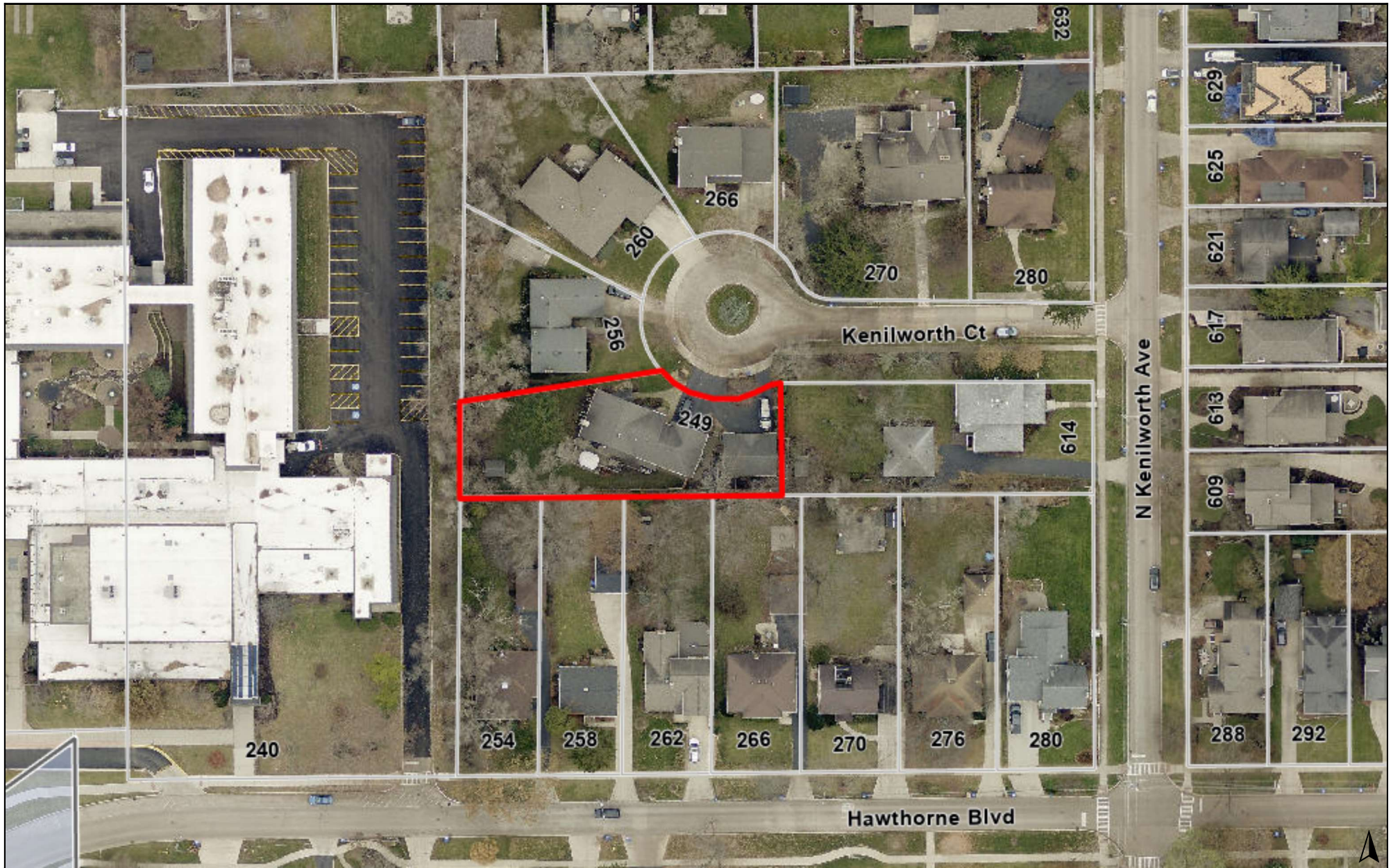
We appreciate your patience and understanding in this matter, again we are very regretful that all procedures were not followed and at this point really hope to resolve our overwhelmingly stressful situation.

We love living in Glen Ellyn and look forward to many more years here in our new house on Prairie Avenue.

Sincerely,

Rick and SuzAnne Cholewinski

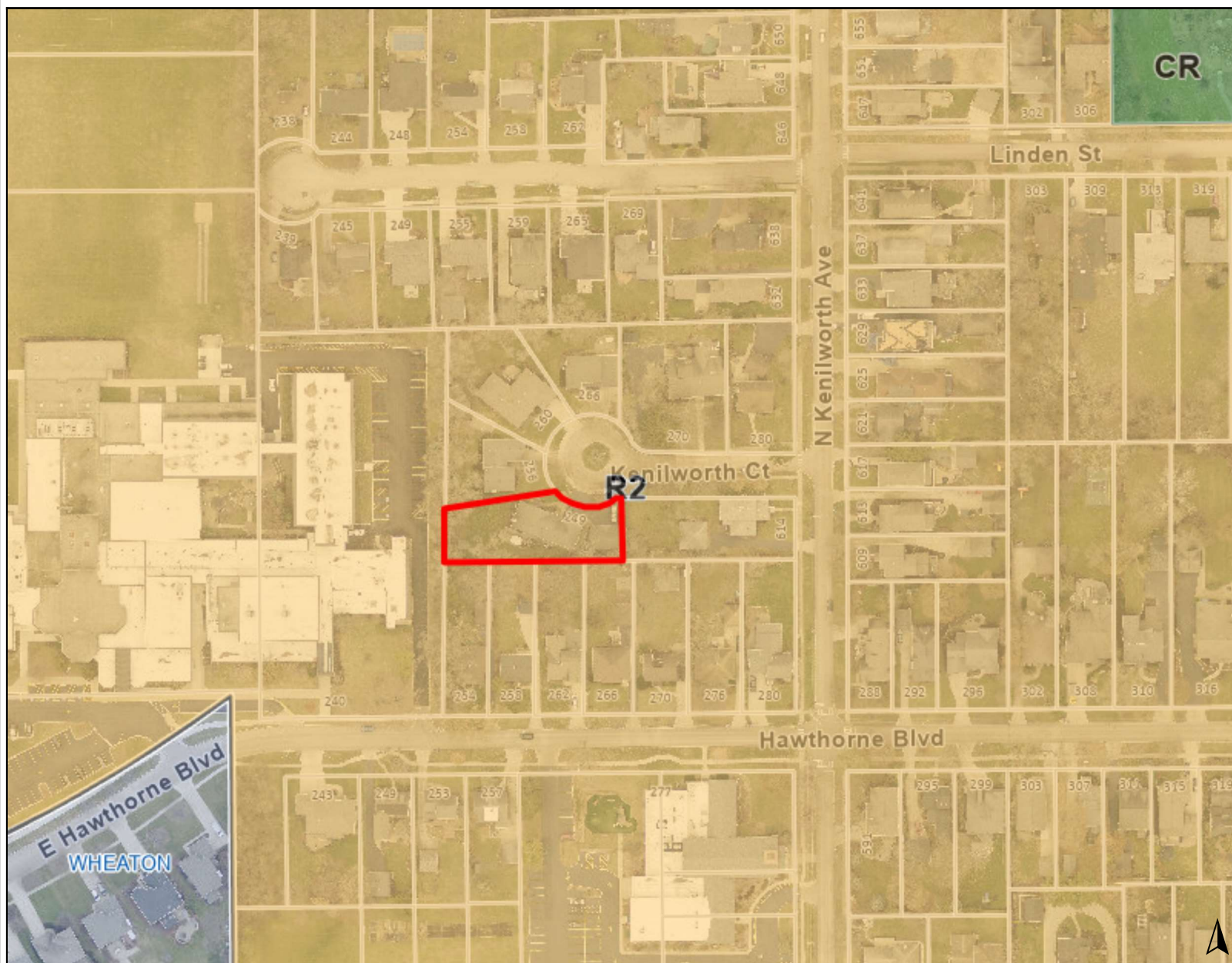
249 Kenilworth Court Aerial Map



Print Date: 3/1/2022

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.

**Legend**

Zoning and Development

Zoning

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

0 300 600
ft

Print Date: 3/1/2022

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.

**Legend**

DuPage County

DuPage County 1' 2017 Contours

— Contour Line, Intermediate

— Contour Line, Major

0 100 200
ft

Print Date: 3/1/2022

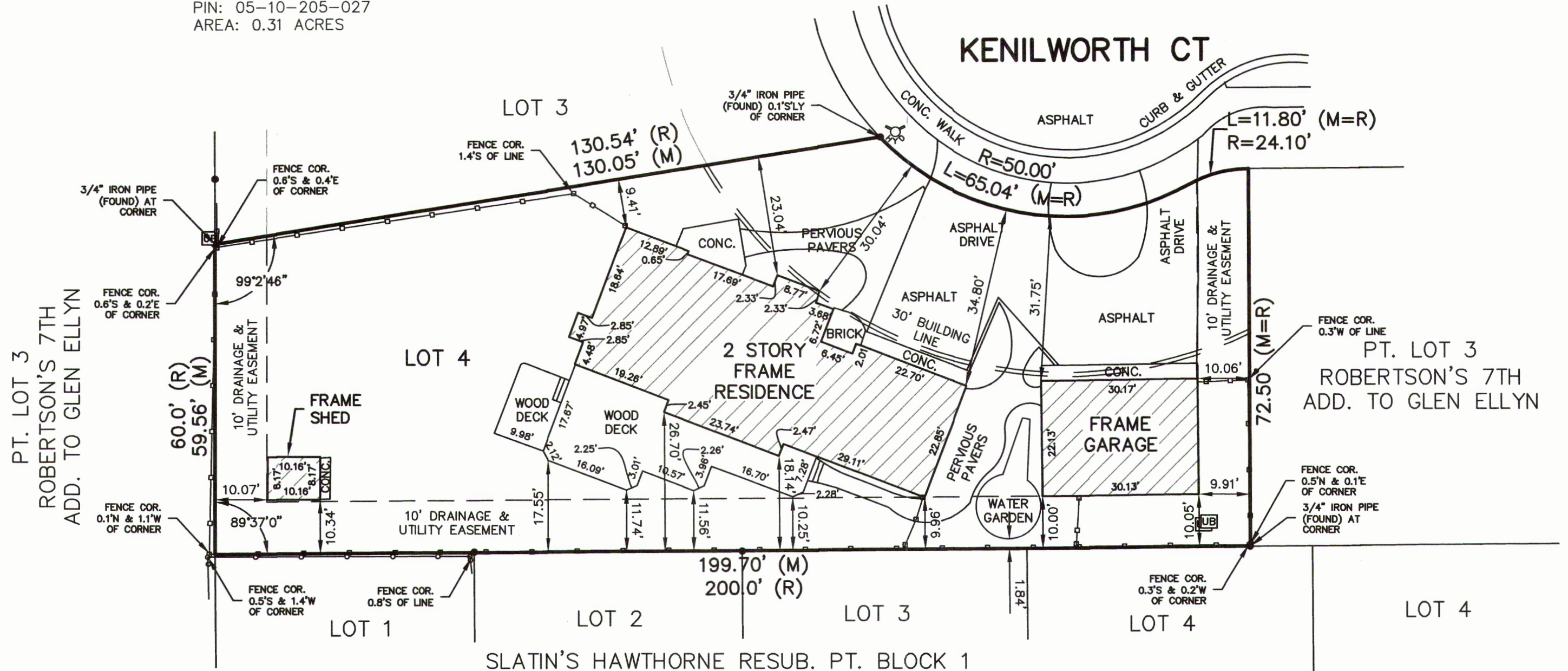
Notes

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.

PLAT OF SURVEY (REVISED)

LOT 4 IN HARRISON'S FIFTH RESUBDIVISION OF PARTS OF LOT 3 IN BLOCK 1 OF ROBERTSON'S SEVENTH ADDITION TO GLEN ELLYN, BEING A SUBDIVISION IN THE EAST 1/2 OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID HARRISON'S FIFTH RESUBDIVISION RECORDED JUNE 22, 1971, AS DOCUMENT R71-28290, IN DUPAGE COUNTY, ILLINOIS.

ADDRESS: 249 KENILWORTH COURT, GLEN ELLYN
PIN: 05-10-205-027
AREA: 0.31 ACRES



STATE OF ILLINOIS } S.S.
COUNTY OF DU PAGE }

THIS IS TO CERTIFY THAT I, AN ILLINOIS LAND SURVEYOR, HAVE SURVEYED THE PROPERTY DESCRIBED ABOVE AND THAT THE ANNEXED PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY. FIELD WORK COMPLETION DATE: 09/10/2021.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

GIVEN UNDER MY HAND AND SEAL AT WHEATON, ILLINOIS, THIS 15TH. DAY OF SEPTEMBER, A.D., 2021.

Norbert V. Lambert, Jr.
ILLINOIS LAND SURVEYOR NO. 1863; LICENSE EXPIRES 11/30/22
ILLINOIS DESIGN FIRM NO. 184-007260

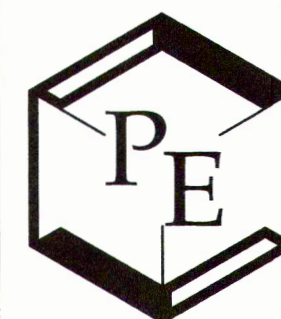


REFER TO DEED OF GUARANTEE POLICY FOR RESTRICTIONS NOT SHOWN ON SURVEY.
ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF. COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY APPARENT DISCREPANCIES TO THE SURVEYOR.

SYMBOL LEGEND	
	HYDRANT
	UTILITY BOX
	MONUMENTATION

LINE LEGEND	
	= WOOD FENCE
	= CHAINLINK FENCE

ORDERED BY: RICHARD CHOLEWINSKI FILE NO. 211168



POLENA ENGINEERING LLC

WHEATON: 630-653-6331
LAKE IN THE HILLS: 815-363-9200
INFO@POLENA.COM
WWW.POLENA.COM

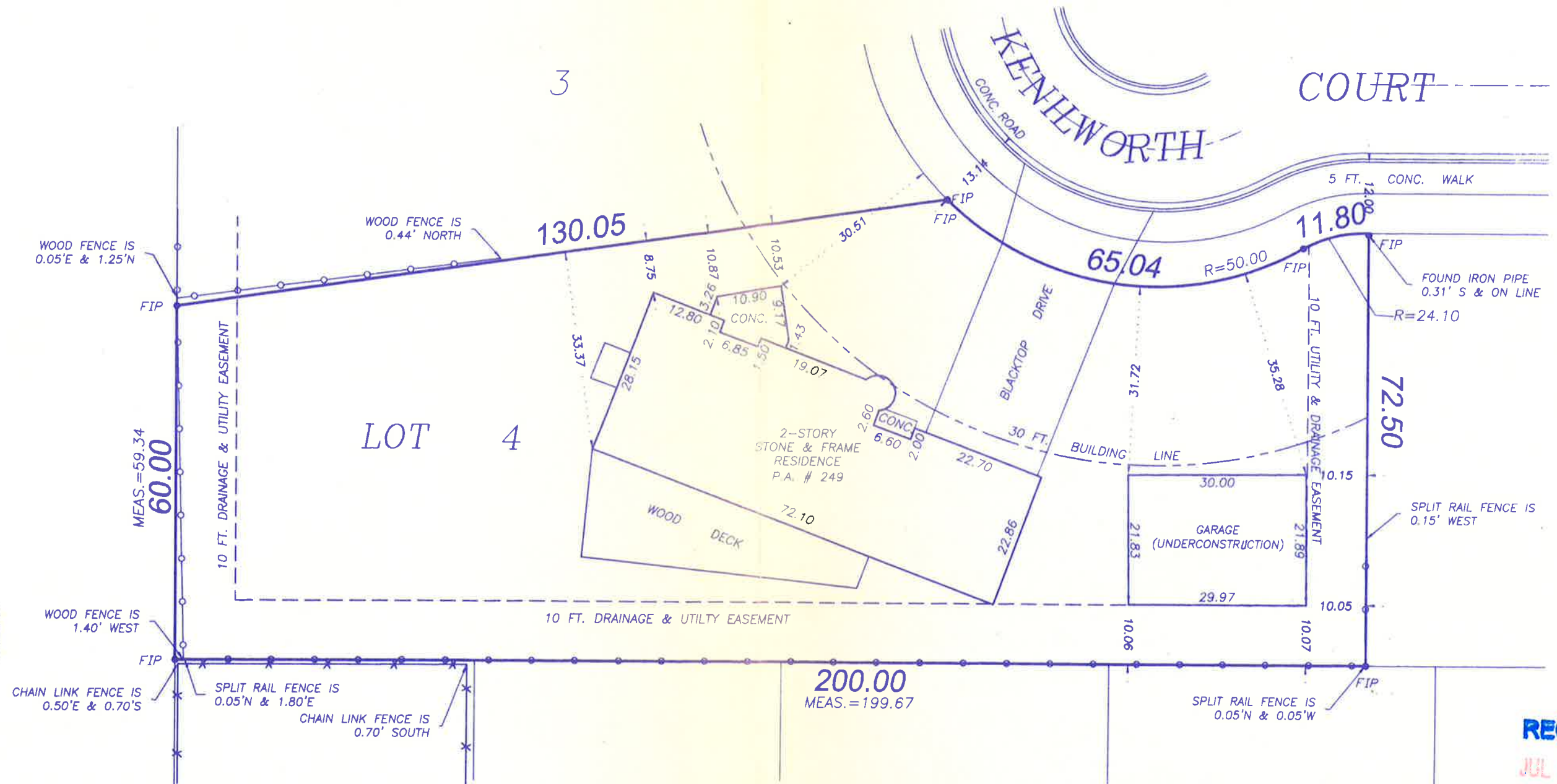
ILLINOIS PROFESSIONAL DESIGN FIRM No. 184-007260

POLENA COMPANIES INCLUDE LAND TECHNOLOGY, LAMBERT & ASSOCIATES, AND ALAN J COULSON

PLAT OF SURVEY

LOT 4 IN HARRISON'S FIFTH RESUBDIVISION OF PARTS OF LOT 3 IN BLOCK 1 OF ROBERTSON'S SEVENTH ADDITION TO GLEN ELLYN, BEING A SUBDIVISION IN THE EAST 1/2 OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID HARRISON'S FIFTH RESUBDIVISION RECORDED JUNE 22, 1971, AS DOCUMENT R71-28290, IN DUPAGE COUNTY, ILLINOIS.

SCALE: 1"=20'



STATE OF ILLINOIS } S.S.
COUNTY OF DU PAGE

THIS IS TO CERTIFY THAT I, AN ILLINOIS LAND SURVEYOR, HAVE SURVEYED THE PROPERTY DESCRIBED ABOVE AND THAT THE ANNEXED PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. GIVEN UNDER MY HAND AND SEAL AT WHEATON, ILLINOIS, THIS 22ND DAY OF DECEMBER, A.D., 2006.

ILLINOIS LAND SURVEYOR NO. 1863

REFER TO DEED OR GUARANTEE POLICY FOR RESTRICTIONS NOT SHOWN ON SURVEY. ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF. COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY APPARENT DISCREPANCIES TO THE SURVEYOR.

● = found Iron stake
○ = set Iron stake

LAMBERT & ASSOCIATES

LAND SURVEYORS

320 SOUTH REBER ST. WHEATON, ILL. 60187
PHONE: (630) 653-6331 FAX: (630) 653-6396

RECEIVED

JUL 29 2021

VILLAGE OF GLEN ELLYN

ORDERED BY: RICK CHOLEWINSKI

ORDER NO. 06K088 FILE NO. 051396

South neighbor



A high-angle photograph of a snowy residential yard. In the foreground, a dark brown wooden fence runs diagonally across the frame. To the right of the fence is a small, light-colored shed with a dark brown door and a white gabled roof. The ground is covered in a thick layer of snow, with long, dark shadows cast by the trees and fence. In the background, a large, multi-story brick building, identified as West neighbor Hadley school, is visible through the bare branches of trees. The sky is a clear, bright blue.

West neighbor Hadley school



Bump
out

South

South neighbors

East neighbor



East neighbor



Garage detached

Water
garden





Pavers between garages
and water garden





South side of
home 2006



528 W Edgewood Road
Lombard IL. 60137
Cell: 630-205-0961
Email: dekmoa@gmail.com

Rick And SuzAnne Cholewinski
249 Kenilworth Court.
Glen Ellyn IL. 60137
630-220-5725

2/1/2022

QUOTE

Driveway and pond:

Remove and backfill pond and install sod. 2,750.00

Remove approximately 240 ft.² of asphalt driveway and install sod.
3,450.00

6,200.00

Kitchen bump out:

Remove existing Wall and roof overhang at south wall of kitchen.

Rebuild wall to original location including electrical, plumbing, insulation,
drywall, siding, etc.

Reconfigure kitchen cabinets and countertop.

Remove kitchen island.

Patch in flooring, install new trim, and paint as needed.

Extend deck to house.

68,500.00

Rear Deck:

Remove all parts of existing wooden deck that extends into the required 16' setback.

Support frame and add railings as needed.

Add steps at South East door for rear yard access (Please note that steps would be within 16' of the lot line.)

Additional landscaping	10,500.00
------------------------	-----------

Total for all work as described	\$85,200.00
--	--------------------

SIGNATURE: _____	DATE: _____
------------------	-------------

SIGNATURE: _____	DATE: _____
------------------	-------------

Please make all checks payable to: KRAL CONSTRUCTION
THANK YOU FOR YOUR BUSINESS



June 30, 2021

Village President
Mark Senak

Trustees
Kelli Christiansen
Gary Fasules
Anne Gould
Kelley Kalinich
Bill Payne
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

Mr. Richard Cholewinski
249 Kenilworth
Glen Ellyn, IL 60137
Via: U.S. Mail
Certified Mail, return receipt requested

**Re: Work Performed Without Required Permit
249 Kenilworth**

Dear Mr. Cholewinski:

It has come to our attention that there may have been work performed at your residence without the issuance of the required permits or inspection by the Village. Village Ordinances require additions, alterations and accessory structures to be permitted prior to start of construction. In response to a complaint received, we reviewed our files and found that the last permit for additions and alterations to the house was issued in early 2007. Record drawings for that work indicate the house to have been, at that time, 2-stories in height, with 5 bedrooms and 2.5 bathrooms. The property is currently listed on Realtor.com as 3-stories, with 5 bedrooms and 5.5 bathrooms. Additionally, work was performed in the rear yard that may affect lot area coverage and stormwater drainage patterns.

Comparing the approved set of drawings from 2007 with photographs gleaned from the Realtor.com website, it appears that, at a minimum, the following changes to the house have occurred since 2007.

1. The kitchen has been fully remodeled from a U-shaped configuration to an L-shaped configuration with a free-standing island and butler's pantry.
2. Either the kitchen sink or the window in proximity thereof, was relocated. The 2007 plans show these two items to be off center of each other; whereas, the photographs show the sink centered on the window.
3. The exterior wall was bumped out at the dining room to create a box window effect and an exterior door was added at that location.
4. The cabinetry in the mudroom has been remodeled.
5. The attic space above the garage has been turned into habitable space.
6. The layout of the bedrooms and bathrooms on the second floor has been reconfigured.
7. A coffee bar has been added on the second floor near the master bedroom.
8. A fireplace was added to one of the bedrooms.

9. A stairway to the previous attic, now the third floor level above the second floor bedrooms, has been added.
10. The previous attic has been turned into habitable space (“bonus room”) with a full bathroom.
11. The basement level has been built out into habitable space with a bedroom and full bathroom.
12. A koi pond has been installed.
13. A paver patio has been installed.
14. A lawn irrigation system has been installed.

Please note that review of drawings for the proposed work, and inspection of the work as it progresses, is a necessary part of the construction process to ensure the life-safety of current as well as future homeowners. The lack of submittal of drawings for review, and subsequent permitting and inspections, is a violation of the Village’s ordinances regulating construction. Although the work has been completed, you must apply for a retroactive permit for the work performed. Please note that applicable plan review and permit fees will be charged, as well as an administrative fee for starting the work without a permit.

In order to avoid enforcement action, please submit an application for building permit (form attached), along with documentation of all the work performed; including, but not limited to architectural drawings, the contract for construction, and the name of the contractor(s) that performed the work to the Village no later than July 30, 2021. Additionally, please complete and submit a copy of the attached form so that we may determine if the existing water service pipe and meter size is adequate to support the number and type of plumbing fixtures that have been added as part of the renovation work.

Once the building permit is issued, we will perform a building and plumbing inspection to verify that applicable code requirements have been complied with.

Sincerely,

Stephen Witt
Building and Zoning Official
Community Development Department
630-547-5244
switt@glenellyn.org

CC: Staci Springer, Community Development Director
Rich Czajkowski, Inspections Manager
Laura Tisinai, Permits Manager
John Hubsy, Utilities Superintendent

Att: Residential Remodel Building Permit Application form
Water Supply Fixture Unit Calculation form



August 12, 2021

Rick Cholewinski
249 Kenilworth
Glen Ellyn, IL 60137
Email: suzjoyski@yahoo.com

RE: Building Permit Application #20211617
Work without permit
249 Kenilworth Court
Glen Ellyn, IL 60137

Village President
Mark Senak

Trustees
Kelli Christiansen
Gary Fasules
Anne Gould
Kelley Kalinich
Bill Payne
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Finance
630-547-5235

Community Development
630-547-5250

Police
65 South Park Boulevard
Glen Ellyn, IL 60137
630-469-1187

Review No. 1

The submitted permit documents, received 7/20/2021, prepared by Stephen L. Gawlik and others, dated 7/15/2021, 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. Additional information must be submitted for review. Please address the following plan review comments. Submit 3 hard copies of the required submittals. 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). Permit documents prepared and sealed by a design professional may only be revised by the design professional. All changes shall be clouded.

Zoning: Not approved.

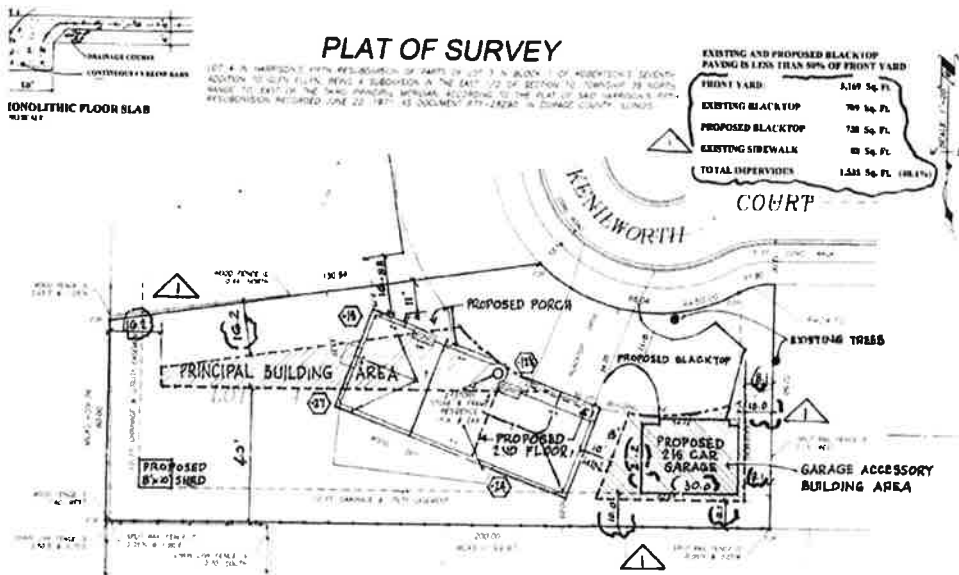
1. Provide 3 copies of a current Plat of Survey accurately depicting all site improvements including, but not limited to, the addition at the kitchen home, the existing driveway including the second approach added, all patios and walkways, decks, and accessory structures on the lot. Dimensions to the property lines must be provided.
2. A search of Village records found Ordinance 5457 which allowed side yard setback and rear yard setback variations to allow the construction of an expanded second floor and a new front porch. The ordinance did not include the addition to the kitchen. A Construction Necessitated Variation is required for the addition.
3. A 2019 GIS aerial photo (see below) and real estate listing photos found on realtor.com indicate hard surfaces between the home and the detached garage for which permits were not found. In accordance with Village code Table 10-5-5(B)4.18, 50% of less of each required front and rear yard (calculated independently) may be impervious surface. Insufficient information was provided to determine compliance with the allowable impervious coverage of the required rear yard. The required rear yard is the rear 40 feet of the property extending north 40 feet from the south property line. Provide the required calculations and current Plat of Survey to quantify the impervious coverage in the required front yard. Please be advised, the area of buildings and paver surfaces shall be included in the impervious coverage. A Construction Necessitated Variation would be required for impervious surfaces in excess of 50%.
4. In accordance with Village code Table 10-5-5(B)4.18, 50% of less of each required front and rear yard (calculated independently) may be impervious surface. Insufficient information was provided to determine compliance with the allowable impervious. However, Village records of permit B26355 issued on 11/9/2006 indicate the impervious coverage at the required front yard was at 50% at that time. The approved site plan indicates the proposed blacktop did not include a second driveway approach or pavers

leading to the front porch as seen in GIS aerial photos. It appears that the current driveway and walkway conditions exceed 50% impervious coverage. Provide the required calculations and current Plat of Survey to quantify the impervious coverage in the required front yard. Please be advised, the area of paver surfaces shall be included in the impervious coverage. A Construction Necessitated Variation would be required for impervious surfaces in excess of 50%.

From Village Code 10-2-2 Terms Defined

IMPERVIOUS SURFACE: Any solid material supported by the surrounding ground, including, but not limited to, compacted gravel or limestone, concrete, brick, paver stone or asphalt of which 50 percent or greater of the whole surface or portion thereof is incapable of allowing water to penetrate and which is commonly used for walkways, parking lots, driveways or recreation areas

From Village records permit B26355:



2019 Aerial photo from GIS:



5. A permit for the rear deck seen in the aerial photo and listing photographs was not found in Village records. Decks shall not be closer than 10% of the lot width to the rear property line (Village Code Table 10-5-5(B)4.8). This means the deck cannot be closer

than 16' to the rear property line. An accurate Plat of Survey is required to confirm the placement of the deck. A Construction Necessitated Variation may be required.

6. The sketch provided indicates the pond is less than 10' from the property line. In accordance with Village Code Table 10-5-5(B)4.22, ponds must be located 10% of the lot width from any property line. The required minimum setback is 16' from the property line. A Construction Necessitated Variation is required to allow the pond in the current location.

Building: Not approved.

1. Clarification is required regarding the "Section @ Kitchen Door" provided by Architect Stephen L. Gawlik. It is presumed that the section is at the bump out of the exterior wall at the kitchen sink and it is mislabeled. Clarify if the sketch includes corrective measures to the existing conditions constructed without a permit. There are notes by the architect in blue which match the signature and date that suggest these are added to an older drawing.
2. There is indication that stairs were constructed without permits (a second stair from the first to second floor and the stairs to the third floor). Provide framing plans and construction details for the stairs added so compliance can be confirmed.
3. A graspable handrail shall be provided on at least one side of each continuous run of treads or flight with four or more risers (2009 IRC, R311.7.7). Handrail height shall not be less than 34" and not more than 38" measured at the nosing (R311.7.7.1). Required handrails shall be continuous for the full length of the flight, from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. Handrail ends shall be returned or shall terminate in newel posts (R311.7.7.2).
4. Habitable space was created in the basement and attic. Basements, habitable attics and every sleeping room shall have at least one operable emergency escape and rescue opening (2009 IRC, R310.1).). Indicate the location of the required egress windows on the floor plans. Windows that provide emergency escape and rescue openings must operate in the normal manner of a window. (R310.1) Windows that require special methods, knowledge, or effort to open are not permitted. All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height shall be 24". The minimum net clear opening width shall be 20". Additionally, the sill heights and emergency escape and rescue openings shall not be more than 44" above the floor. Window sill heights must be indicated. Where the opening of an operable window is located more than 72" above the finished grade or surface below, the lowest part of the clear opening of the window shall be a minimum of 24" above the finished floor of the room in which the window is located or a limiting device to prevent openings from allowing passage of a 4" sphere complying with ASTM F 2090 shall be provided. (2009 IRC, R612.2)
5. Emergency escape and rescue openings below grade must be provided with a required window well (2009 IRC, R310.2). The required projection is 36" clear, the minimum area is 9 square feet, and a ladder is required if the depth is greater than 44". Required window wells shall not be obstructed by a deck. Indicate the locations of window wells on the basement plan and Plat of Survey.
6. Window and door wells that extend more than 30" below the adjacent grade shall be provided with bars, grilles, covers, screens or similar devices that are designed and listed to resist human impact unless other guards that comply with section R312 are provided. Window well guards enclosing emergency escape and rescue openings shall meet the minimum opening area requirement and be operable from

the inside of the well without the use of keys, tools, or special knowledge or effort. (Village Code, 4-1-8(B)30).

7. The master bedroom, master bath, and closets and wet bar were constructed without a permit in the area above the attached garage previously designated as floored storage per Village records. Additional information is required to confirm that the floor framing is structurally sufficient. Village records do not include the floor framing at this space. The permit records indicate the floored storage area was accessed by a fold-down access ladder from the garage below. In accordance with the 2009 IRC Table R301.5, the minimum uniformly distributed live load for attics with limited storage is 10 lbs. The minimum uniformly distributed live load for sleeping rooms is 30 psf and 40 psf for rooms other than sleeping rooms which is significantly higher.
8. The third floor plan indicates habitable spaces were created where there was previously attic space per Village records. Additional information is required to confirm that the floor framing is structurally sufficient. Village records do not include the floor framing at this space or a permanent stair to this level. In accordance with the 2009 IRC Table R301.5, the minimum uniformly distributed live load for attics with limited storage is 10 lbs. The minimum uniformly distributed live load for sleeping rooms is 30 psf and 40 psf for rooms other than sleeping room which is significantly higher.
9. Provide basement plans. No records of permits were found for finished space in the basement.
10. Electrical plans are required.
11. All new 120-volt, single phase, 15- and 20-ampere branch circuits supplying outlets installed in dwelling unit family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, or similar rooms or areas shall be protected by a listed arc-fault circuit interrupter, combination-type, installed to provide protection of the branch circuit (2011 NEC, Section 210.12).
12. All new receptacles shall be listed tamper resistant receptacles (2011 NEC, Section 406.12). Indicate on the plans for compliance.
13. Provide arc-fault protected outlets so that no point measured horizontally along the floor line in any wall space is more than 6' from an outlet. (2011 NEC, 210.52(A)).
14. Please check the receptacle spacing at the kitchen counters and add receptacles as required. GFCI protected receptacles shall be provided above a kitchen counter so that no point along the wall line is more than two feet from a receptacle and a receptacle is located within two feet of the end of the counter or the side of any wall, fixture, sink, or appliance. (2011 NEC, 210.52). *Window areas are not exempt from this requirement.* All receptacles shall be listed tamper-resistant. (2011 NEC, 406.12)
15. Kitchen islands must be provided with a GFCI receptacle (2011 NEC, 210.52). The required receptacle shall not be more than 12" below the countertop or located where the countertop extends more than 6" beyond its support base. Countertop spaces separated by range tops, refrigerators, or sinks shall be considered as separate countertops and a GFCI receptacle is required at each separate countertop space.
16. A minimum of two dedicated 20 amp branch circuits must be provided to serve convenience receptacles in the kitchen, pantry, breakfast, and dining areas, and at the kitchen countertops (2011 NEC, 210.52(B)(1)).
17. Kitchen exhaust hood systems capable of exhausting in excess of 400 cfm shall be provided with makeup air at a rate approximately equal to the exhaust air rate. Such makeup air systems shall be equipped with a means of closure and shall be

- automatically controlled to start and operate simultaneously with the exhaust system. (2009 IRC, M1503.4)
18. At least one 20-ampere branch circuit shall be provided to supply bathroom receptacle outlets. (2011 NEC, 210.52)
 19. Bathrooms require a GFCI protected electrical receptacle within 36 inches of each lavatory (2011 NEC, 210.52D).
 20. The listing photos indicate a chandelier above a bath tub. No parts of cord-connected luminaires, chain-, cable-, or cord-suspended luminaires, light track, pendants, or ceiling-suspended (paddle) fans shall be located within a zone measured 3 feet horizontally and 8 feet vertically from the top of the bathtub rim or shower stall threshold. This zone is all encompassing and includes the space directly over the tub or shower stall. Luminaires located within the actual outside dimension of the bathtub or shower to a height of 8 feet vertically from the top of the bathtub rim or shower threshold shall be marked for damp locations, or marked for wet locations where subject to shower spray. (2011 NEC, 410.10(D))
 21. Listing photos indicate windows adjacent to a bathtub. Safety glazing is required at the walls enclosing or immediately adjacent to the bathtubs and showers when the bottom edge of the glazing is less than 60" measured vertically above the standing surface (2009 IRC, R308.4.5).
 22. A gas fireplace is indicated at the master bedroom. Factory-built fireplaces shall be listed and labeled and shall be installed in accordance with the conditions of the listing. Factory-built fireplaces shall be tested in accordance with UL127. Provide manufacturer's information for the proposed fire place. Combustion air shall not be drawn from sleeping rooms. Fuel burning appliances shall not be located in sleeping rooms, bathrooms, closets, or in a space that opens only into such rooms or spaces, except where the installation complies with the following (2009 IRC, G2406.2):
The appliance is a direct-vent appliance installed in accordance with the conditions of the listing and the manufacturer's instructions.
 - a. The appliance is a direct-vent appliance installed in accordance with the conditions of the listing and the manufacturer's instructions.
 - b. Vented room heaters, wall furnaces, vented decorative appliances, vented gas fireplaces, vented gas fireplace heaters and decorative appliances for installation in vented solid fuel-burning fireplaces are installed in rooms that meet the minimum required volume of 50 cubic feet per 1,000 Btu/h.
 23. Throughout the house, if not in compliance, a smoke detector/alarm must be installed in each sleeping room, in the immediate vicinity of sleeping rooms and on every floor including the basement (2009 IRC, R314.3). Interconnection and hard-wiring of smoke alarms in existing areas shall not be required where the alterations or repairs do not result in the removal of interior finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for hard wiring without removal of interior finishes.
 24. Throughout the house, if not in compliance, carbon monoxide detectors are required within 15'-0" of sleeping rooms per the State of Illinois requirements (430 ILCS 135/) Carbon Monoxide Alarm Detector Act and section R315, 2009 IRC.
 25. A permit was not found in Village records for the deck at the rear of the home. Provide footing plans, framing plans, and construction details for the deck, stairs, railings, etc. The deck construction shall be in accordance with the 2009 IRC. The soil bearing capacity for footing design is assumed to be 1500 psf in the absence of a geotechnical soils report. (2009 IRC, Table R401.4.1)
 26. Please provide a light and ventilation schedule for each new habitable room. All habitable rooms shall have an aggregate glazing area of not less than 8% of the

floor area of such rooms. The minimum openable area to the outdoors shall be 4 percent of the area being ventilated. If emergency escape and rescue openings are not required, artificial light and mechanical ventilation may be provided. (2009 IRC, R303.1)

27. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees F in all habitable rooms, bathroom and toilet rooms. (2009 IPMC, Section 602.2) Specify how the new finished spaces are heated.

Other:

1. The construction documents required for a building permit shall be prepared and certified by an architect or structural engineer licensed in the State of Illinois, or prepared, reviewed and approved under his or her direction, and bear the seal and signature of the architect or engineer and a statement that the construction documents comply with all provisions of the adopted codes and ordinances of the Village of Glen Ellyn and all other applicable laws and regulations governing the design and engineering of the work. (Village Code 4-1-5(E))

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>
Utility Services Review*	7/23/2021	---	8/4/2021
Drainage Review**			

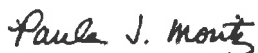
*Waterline and water meter upgrades are required.

**Additional information, including an accurate Plat of Survey is required to complete the drainage review. Please see the enclosed Drainage Plan guidelines and Drainage Plan Certification form

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
Building Plan Examiner

Enclosure: PW Utility Information Sheet
Drainage Plan Guidelines
Drainage Plan Certification

CC: file, Steve Witt



Village of Glen Ellyn
Planning & Development Department
535 Duane Street
Glen Ellyn, IL 60137
Phone: 630-547-5250; Fax: 630-547-5370
www.glenellyn.org

Drainage Plan Requirements

for disturbed areas between 300 and 1500 square feet

A drainage plan must be submitted for a stormwater review and approval if the work disturbs a site area between 300 and 1,500 square feet. A disturbed area includes a new building, addition, accessory structure, retaining wall, impervious surface, landscaping or change of grade. **If there are any existing drainage problems on the property or adjacent properties, or the Village Engineer deems it necessary, a grading plan per the Village standards may be required.**

The drainage plan must include the following information:

1. The drainage plan must be drawn to a minimum scale of 1 inch equals 20 feet. The plan must be labeled with the property address and be dated. All revisions to the plan must be dated on the plan. The plan shall not exceed 24" by 36." The required information added to an existing Plat of Survey is generally acceptable.
2. The drainage plan must show the direction of stormwater flow across the property. Using arrows, show the existing flow direction with dashed or fine lines and proposed flow direction with solid or bold lines. If a drainage swale or ditch is present, please indicate it on the plan. If the proposed work will not change the existing grades, please specify this on the plan.
3. The drainage plan must show the location of all existing and proposed buildings, driveways, walkways, patios, decks, retaining walls, fences, and all other structures and significant trees on the property.
4. The drainage plan must show the location, area and depth of any disturbance or change to the existing grade including the removal of existing soil or the addition of any fill, soil, stone or mulch materials.
5. The drainage plan must show the location and orientation of all existing and new downspout outlets, sump pump discharge outlets, and underground storm water piping, structures and outlets. Any underground piping must exit into a drywell or daylight at grade to allow water to flow across 20 feet of the subject property before flowing offsite when possible.
6. An infiltration measure (VCBMP) is required if the runoff from the new impervious area is directed toward adjoining properties, unless a storm sewer can convey the runoff away from adjoining properties, as approved by the Village Engineer. Infiltration measures include stone infiltration beds (drywells), underground storage structures, or rain gardens. The infiltration measure shall be sized to store 1.25" of runoff from the increased (net new) impervious area (XXX square feet of net new impervious*1.25/12 = XXX cubic feet of required storage). For stone infiltration beds, a void ratio of 0.36 may be used.
7. The Village's Drainage Plan Certification must be signed by the Property Owner and submitted with the proposed Drainage Plan.

The following information may be required if applicable to the existing conditions or proposed work:

8. The locations of all utility structures located within 10 feet of the disturbed area.
9. If the property is located within 50 feet of a designated floodplain, the floodplain elevation and floodplain boundary along with a statement referencing the current FEMA FIRM by number and effective date.
10. If a detention basin is present on the property, the limits of any stormwater management or drainage easement and 100-year high water level.
11. Location and dimensions of the specific storm or surface water drainage system to serve the site together with connections to offsite drainage facilities, including inverts of connection points.
12. Locations, sizes and material types of the sanitary and water service lines, proposed B-box locations, and horizontal clearance between sewer and water service lines. Contact the Public Works Department at (630) 469-6756 for additional utility information including material specifications.

Village of Glen Ellyn**Public Works Utility Information Sheet – Building Permit**

To PW: 07/23/2021

Address: 249 Kenilworth Ct.

Plan Reference Date: 08/04/2021



Permit Type: ☐ Demo/New House ☐ Class III Addition/Alteration ☐ Class II Addition
☒ Other: Work w/o a permit #20211617

CLEAR FORM

Class Requirements:

Demo/New House and Class III Addition: Upgrade sewer & water service lines from building to Village main line to code. Overhead sewer service is required.

Class II Addition / Alteration: Sewer service line must be televised for inspection of pipe integrity; service line must be approved by Village staff or replaced to main line. Overhead sewer service is required. Depending on fixture calculation count, etc. may have to upgrade water service (Ord. 5017, 11-26-01, eff. 1-1-02).

Class I: An increase of total fixture units may require an up-sizing of the water service line and/or water meter to be in compliance with Illinois Plumbing Code Section 890. Appendix A, Tables M, N and O.

Water Service: WSFU Calc: 52 Domestic Calc. Service Size: 1.25" Actual Service Size: 1.5"

New Meter Size: 1" Existing Meter Size: 3/4" Existing Service Size: 3/4"

Public Works Fees:**Water Service:**

\$ 1,250.00 - \$ 450.00 = \$ 800.00
 Water Meter \$ 550.00
 Water Insp. \$ 100.00
 Sanitary Insp. \$ 100.00
 Storm Insp. \$ 0.00

Sanitary Service \$ 0.00
 Glenbard Wastewater \$ 0.00
 Road Cut Insp. \$ 100.00
 Apron/Sidewalk Insp. \$ 50.00
Subtotal: \$ 1,700.00

Forestry Fees:

Tree Planting \$
 Tree Review \$
Subtotal: \$

Refundable Deposits:

Parkway /
 Street \$ 1,000.00
TOTAL: \$

Sanitary Sewer Service:**Location:**

Per a conversation with Steve Witt, Building and Zoning Official, on 8/4/21, hard costs for the project would exceed \$100,000. Conversion to overhead sewer is required if it does not exist and the sanitary service must be replaced or lined if it is not already PVC.

Additional Comments:

With the increase to the fixture count, a new 1.5" service will need to be run from the water main to the home, with a new curbstop installed in the right-of-way and a new 1" meter installed. The old 3/4" service must be dug up at the main, shut off and disconnected, with removal of the existing bbox.
 Public Works will require an inspection of irrigation system that is stated to be non-functional to determine if that has been permanently removed or additional work would be required to meet Illinois Plumbing Code requirements in relation to the need for backflow protection.

Sewer / Water Main Locations:

Water Main #1 Size: 6" Location: South half of the cul-de-sac
 Water Main #2 (if app.) Size: N/A Location: N/A
 Sanitary #1 Size: 8" Flow Direct: E Location: Middle of cul-de-sac
 Sanitary #2 (if app.) Size: N/A Flow Direct: N/A Location: N/A
 Storm #1 Size: N/A Flow Direct: N/A Location: N/A
 Storm #2 (if app.) Size: N/A Flow Direct: N/A Location: N/A

Sanitary Sewer Service:

Definition: Any building's sewer line, from the building to the connection point with the public sewer main.

V.G.E. - 7-9-22: Cost of Maintaining Service Line: Users shall maintain and repair any service line from the user to the sanitary sewer, including any lifting means required by Section 7-9-15

V.G.E. - 7-9-14: Overhead Service Lines Required: Overhead service lines are required as follows: a building drain system wherein the building drain exists the building at a minimum depth below the grade and has no openings flowing by gravity inside the building below the grade of the adjacent street in which the sanitary sewer is located shall be required within the Village for all new construction and remodeling of existing structures whenever remodeling constitutes over fifty percent (50%) of the value of the structure, prior to the work. (Ord. 4581, 4-13-1998, eff. 5-1-1998)

V.G.E. - 7-11-31 / 7-11-32: Sewer Connection Fees:

Per Village of Glen Ellyn Ordinance No. 5154, Permit, Fees and Deposits 3-24-2003, eff. 4-1-2003

Sanitary Sewers:

Residential Single and Multiple Family: \$1,000.00 + \$278.00 per Population Equivalent collected by the Village for Glenbard Wastewater Authority.

Non-Residential:

\$1000.00 + \$278.00 per Population Equivalent as above.

An additional charge of four hundred dollars (\$400.00) shall be paid for each multiple-family or nonresidential unit more than one served by a single sanitary sewer connection.

RESIDENCE OCCUPANCY CRITERIA:**Residence Type:****Number of People:**

Efficiency or studio Apartment	1
1 Bedroom Apartment	1.5
2 & 3 Bedroom Apartment / Duplex & Townhouse	3
Single Family Dwelling	3.5
Mobile Home	2.25

V.G.E. - 7-11-30 (D) Inspection Fees:

An inspection fee for the connection, repair, replacement, or disconnection of any Sanitary, Storm or Water Service Line shall be in the amount of one hundred dollars (\$100.00) each.

Sanitary Sewer: \$100.00

Storm Sewer: \$100.00

Water: \$100.00

Subsequent inspections required due to failure of final inspection shall be charged at fifty dollars (\$50.00) per inspection.

Plumber: N/A Sewer Contractor: N/A

Domestic and Actual Water Service Line Size, Meter Size and Connection or Tap to Village Sewer or Water Verified and Approved:

[Signature] Date: 8-4-2021 [Signature] Date: 8/4/21
Public Works & Utility Inspector Utilities Manager or Designee

Builder or Owner's Reading of this Form Acknowledgment

Signature: _____



**VILLAGE OF GLEN ELLYN
DRAINAGE PLAN CERTIFICATION**

(A DRAINAGE PLAN MUST ACCOMPANY THIS CERTIFICATION FOR ACCEPTANCE)

CERTIFICATION STATEMENT

In accordance with the Village of Glen Ellyn Zoning Code Section 10-5-8(B)4, I hereby certify that the drainage of surface waters will not be changed from approved, existing drainage grades, as the Village may determine therefore from time to time, by the construction of any required parking space, approved driveway or approved parking space, or any part thereof; or if changed from any approved existing drainage grade, the surface waters will not be deposited on the property of any adjoining land owners.

Project Address _____
Glen Ellyn, IL 60137

Signature of Property Owner

Date

Signature of Contractor

Date

(Note if there are any existing drainage problems on the property or adjacent properties, or the Village Engineer deems it necessary, a grading survey prepared by a professional land surveyor or engineer registered in the State of Illinois may be required.)



Village President
Mark Senak

Trustees
Kelli Christiansen
Gary Fasules
Anne Gould
Kelley Kalinich
Bill Payne
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

December 14, 2021

Rick Cholewinski
249 Kenilworth
Glen Ellyn, IL 60137
Email: suzjoyski@yahoo.com

RE: Building Permit Application #20211617
Work without permit
249 Kenilworth Court
Glen Ellyn, IL 60137

Review No. 2

The submitted permit documents, received 12/7/2021, prepared by Stephen L. Gawlik and others, dated 12/6/2021, for the above project, have been reviewed for compliance with applicable building codes.

Please address the following plan review comments (applicable code section in parenthesis).

Zoning: Not approved.

1. A search of Village records found Ordinance 5457 which allowed side yard setback and rear yard setback variations to allow the construction of an expanded second floor and a new front porch. The ordinance did not include the addition to the kitchen. A Construction Necessitated Variation is required for the addition.

The response says, "Scheduling for variance." A complete Application for a Construction Necessitated Variation, fees, and submittals must be submitted to the Planning Department.

2. A 2019 GIS aerial photo (see below) and real estate listing photos found on realtor.com indicate hard surfaces between the home and the detached garage for which permits were not found. In accordance with Village code Table 10-5-5(B)4.18, 50% of less of each required front and rear yard (calculated independently) may be impervious surface. Insufficient information was provided to determine compliance with the allowable impervious coverage of the required rear yard. The required rear yard is the rear 40 feet of the property extending north 40 feet from the south property line. Provide the required calculations and current Plat of Survey to quantify the impervious coverage in the required front yard. Please be advised, the area of buildings and paver surfaces shall be included in the impervious coverage. A Construction Necessitated Variation would be required for impervious surfaces in excess of 50%.

Calculations were not received. However, an updated Plat of Survey was provided and our analysis using Bluebeam software indicates that the area within the required front yard is approximately 2,971 square feet and the area of impervious surfaces within the required front yard is 1,758 square feet which exceeds 50% impervious coverage and requires approval of a zoning variation. A complete Application for a Construction Necessitated Variation, fees, and submittals must be submitted to the Planning Department.

3. A permit for the rear deck seen in the aerial photo and listing photographs was not found in Village records. Decks shall not be closer than 10% of the lot width to the rear property line (Village Code Table 10-5-5(B)4.8). This means the deck cannot be closer than 16' to the rear property line. An accurate Plat of Survey is required to confirm the placement of the deck. A Construction Necessitated Variation may be required.

The Plat of Survey provided does not provide dimensions between the deck and the property line. However, our Bluebeam analysis indicates portions of the deck are closer than 16' to the property line which does not comply which requires approval of a zoning variation. Please be advised, decks are not exempt from permit. A permit is required to construct new, replace, or structurally alter any deck. A complete Application for a Construction Necessitated Variation, fees, and submittals must be submitted to the Planning Department.

4. The sketch provided indicates the pond is less than 10' from the property line. In accordance with Village Code Table 10-5-5(B)4.22, ponds must be located 10% of the lot width from any property line. The required minimum setback is 16' from the property line.

The Plat of Survey provided indicates the water garden (pond) is located in the 10' drainage and utility easement and therefore encroaches into the required minimum setback of 16'. A Construction Necessitated Variation is required to allow the pond in the current location. A complete Application for a Construction Necessitated Variation, fees, and submittals must be submitted to the Planning Department.

Building: **Limited as-built drawings and a response letter to the comments below have been received. Inspections are required to confirm life safety and other code requirements have been met. Corrective action may be required. Please also be reminded that zoning variations are required.**

1. Clarification is required regarding the "Section @ Kitchen Door" provided by Architect Stephen L. Gawlik. It is presumed that the section is at the bump out of the exterior wall at the kitchen sink and it is mislabeled. Clarify if the sketch includes corrective measures to the existing conditions constructed without a permit. There are notes by the architect in blue which match the signature and date that suggest these are added to an older drawing.
2. There is indication that stairs were constructed without permits (a second stair from the first to second floor and the stairs to the third floor). Provide framing plans and construction details for the stairs added so compliance can be confirmed.
3. A graspable handrail shall be provided on at least one side of each continuous run of treads or flight with four or more risers (2009 IRC, R311.7.7). Handrail height shall not be less than 34" and not more than 38" measured at the nosing (R311.7.7.1). Required handrails shall be continuous for the full length of the flight, from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. Handrail ends shall be returned or shall terminate in newel posts (R311.7.7.2).
4. Habitable space was created in the basement and attic. Basements, habitable attics and every sleeping room shall have at least one operable emergency escape and rescue opening (2009 IRC, R310.1). Indicate the location of the required egress windows on the floor plans. Windows that provide emergency escape and rescue openings must operate in the normal manner of a window. (R310.1) Windows that require special methods, knowledge, or effort to open are not permitted. All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height shall be 24". The minimum net clear opening width shall be 20". Additionally, the sill heights and emergency escape and rescue openings shall not be more than 44" above the floor. Window sill heights must be indicated. Where the opening of an operable window is located more than 72" above the finished grade or surface below, the lowest part of the clear opening of the window shall be a minimum of 24" above the finished floor of the room in which the window is located or a limiting device to prevent openings from allowing passage of a 4" sphere complying with ASTM F 2090 shall be provided. (2009 IRC, R612.2)
5. Emergency escape and rescue openings below grade must be provided with a required window well (2009 IRC, R310.2). The required projection is 36" clear, the minimum area is 9 square feet, and a ladder is required if the depth is greater than 44". Required window wells shall not be obstructed by a deck. Indicate the locations of window wells on the basement plan and Plat of Survey.

6. Window and door wells that extend more than 30" below the adjacent grade shall be provided with bars, grilles, covers, screens or similar devices that are designed and listed to resist human impact unless other guards that comply with section R312 are provided. Window well guards enclosing emergency escape and rescue openings shall meet the minimum opening area requirement and be operable from the inside of the well without the use of keys, tools, or special knowledge or effort. (Village Code, 4-1-8(B)30).
7. The master bedroom, master bath, and closets and wet bar were constructed without a permit in the area above the attached garage previously designated as floored storage per Village records. Additional information is required to confirm that the floor framing is structurally sufficient. Village records do not include the floor framing at this space. The permit records indicate the floored storage area was accessed by a fold-down access ladder from the garage below. In accordance with the 2009 IRC Table R301.5, the minimum uniformly distributed live load for attics with limited storage is 10 lbs. The minimum uniformly distributed live load for sleeping rooms is 30 psf and 40 psf for rooms other than sleeping rooms which is significantly higher.
8. The third floor plan indicates habitable spaces were created where there was previously attic space per Village records. Additional information is required to confirm that the floor framing is structurally sufficient. Village records do not include the floor framing at this space or a permanent stair to this level. In accordance with the 2009 IRC Table R301.5, the minimum uniformly distributed live load for attics with limited storage is 10 lbs. The minimum uniformly distributed live load for sleeping rooms is 30 psf and 40 psf for rooms other than sleeping room which is significantly higher.
9. Provide basement plans. No records of permits were found for finished space in the basement.
10. Electrical plans are required.
11. All new 120-volt, single phase, 15- and 20-ampere branch circuits supplying outlets installed in dwelling unit family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, or similar rooms or areas shall be protected by a listed arc-fault circuit interrupter, combination-type, installed to provide protection of the branch circuit (2011 NEC, Section 210.12).
12. All new receptacles shall be listed tamper resistant receptacles (2011 NEC, Section 406.12). Indicate on the plans for compliance.
13. Provide arc-fault protected outlets so that no point measured horizontally along the floor line in any wall space is more than 6' from an outlet. (2011 NEC, 210.52(A)).
14. Please check the receptacle spacing at the kitchen counters and add receptacles as required. GFCI protected receptacles shall be provided above a kitchen counter so that no point along the wall line is more than two feet from a receptacle and a receptacle is located within two feet of the end of the counter or the side of any wall, fixture, sink, or appliance. (2011 NEC, 210.52). *Window areas are not exempt from this requirement.* All receptacles shall be listed tamper-resistant. (2011 NEC, 406.12)
15. Kitchen islands must be provided with a GFCI receptacle (2011 NEC, 210.52). The required receptacle shall not be more than 12" below the countertop or located where the countertop extends more than 6" beyond its support base. Countertop spaces separated by range tops, refrigerators, or sinks shall be considered as separate countertops and a GFCI receptacle is required at each separate countertop space.
16. A minimum of two dedicated 20 amp branch circuits must be provided to serve convenience receptacles in the kitchen, pantry, breakfast, and dining areas, and at the kitchen countertops (2011 NEC, 210.52(B)(1)).
17. Kitchen exhaust hood systems capable of exhausting in excess of 400 cfm shall be provided with makeup air at a rate approximately equal to the exhaust air rate. Such makeup air systems shall be equipped with a means of closure and shall be automatically controlled to start and operate simultaneously with the exhaust system. (2009 IRC, M1503.4)

18. At least one 20-ampere branch circuit shall be provided to supply bathroom receptacle outlets. (2011 NEC, 210.52)
19. Bathrooms require a GFCI protected electrical receptacle within 36 inches of each lavatory (2011 NEC, 210.52D).
20. The listing photos indicate a chandelier above a bath tub. No parts of cord-connected luminaires, chain-, cable-, or cord-suspended luminaires, light track, pendants, or ceiling-suspended (paddle) fans shall be located within a zone measured 3 feet horizontally and 8 feet vertically from the top of the bathtub rim or shower stall threshold. This zone is all encompassing and includes the space directly over the tub or shower stall. Luminaires located within the actual outside dimension of the bathtub or shower to a height of 8 feet vertically from the top of the bathtub rim or shower threshold shall be marked for damp locations, or marked for wet locations where subject to shower spray. (2011 NEC, 410.10(D))
21. Listing photos indicate windows adjacent to a bathtub. Safety glazing is required at the walls enclosing or immediately adjacent to the bathtubs and showers when the bottom edge of the glazing is less than 60" measured vertically above the standing surface (2009 IRC, R308.4.5).
22. A gas fireplace is indicated at the master bedroom. Factory-built fireplaces shall be listed and labeled and shall be installed in accordance with the conditions of the listing. Factory-built fireplaces shall be tested in accordance with UL127. Provide manufacturer's information for the proposed fire place. Combustion air shall not be drawn from sleeping rooms. Fuel burning appliances shall not be located in sleeping rooms, bathrooms, closets, or in a space that opens only into such rooms or spaces, except where the installation complies with the following (2009 IRC, G2406.2):
The appliance is a direct-vent appliance installed in accordance with the conditions of the listing and the manufacturer's instructions.
 - a. The appliance is a direct-vent appliance installed in accordance with the conditions of the listing and the manufacturer's instructions.
 - b. Vented room heaters, wall furnaces, vented decorative appliances, vented gas fireplaces, vented gas fireplace heaters and decorative appliances for installation in vented solid fuel-burning fireplaces are installed in rooms that meet the minimum required volume of 50 cubic feet per 1,000 Btu/h.
23. Throughout the house, if not in compliance, a smoke detector/alarm must be installed in each sleeping room, in the immediate vicinity of sleeping rooms and on every floor including the basement (2009 IRC, R314.3). Interconnection and hard-wiring of smoke alarms in existing areas shall not be required where the alterations or repairs do not result in the removal of interior finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for hard wiring without removal of interior finishes.
24. Throughout the house, if not in compliance, carbon monoxide detectors are required within 15'-0" of sleeping rooms per the State of Illinois requirements (430 ILCS 135/) Carbon Monoxide Alarm Detector Act and section R315, 2009 IRC.
25. A permit was not found in Village records for the deck at the rear of the home. Provide footing plans, framing plans, and construction details for the deck, stairs, railings, etc. The deck construction shall be in accordance with the 2009 IRC. The soil bearing capacity for footing design is assumed to be 1500 psf in the absence of a geotechnical soils report. (2009 IRC, Table R401.4.1)
26. Please provide a light and ventilation schedule for each new habitable room. All habitable rooms shall have an aggregate glazing area of not less than 8% of the floor area of such rooms. The minimum openable area to the outdoors shall be 4 percent of the area being ventilated. If emergency escape and rescue openings are not required, artificial light and mechanical ventilation may be provided. (2009 IRC, R303.1)

27. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees F in all habitable rooms, bathroom and toilet rooms (2009 IPMC, Section 602.2). Specify how the new finished spaces are heated.

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>
Drainage Review**	Not received		

**** Please see the enclosed Drainage Plan guidelines and Drainage Plan Certification form. Please provide a drainage plan in accordance with the drainage plan guidelines. Please include a calculation of the net new impervious area (the area of installed impervious areas minus any previously existing impervious surfaces removed).**

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
Building Plan Examiner

Enclosures: Application for Construction Necessitated Variation
 Drainage Plan Guidelines
 Drainage Plan Certification form

CC: file, Steve Witt, buildingpermits@glenellyn.org



NOTICE OF PUBLIC HEARING

Rick and SuzAnne Cholewinski, owners of the property at 249 Kenilworth Court, are requesting a public hearing for zoning variations in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code. Before the Glen Ellyn Village Board can consider this request, the Glen Ellyn Zoning Board of Appeals must conduct a public hearing. The Zoning Board of Appeals will conduct a public hearing on **Tuesday, March 8, 2022 at 7:00 p.m. via the virtual meeting platform, Zoom.**

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

1. Section 10-5-5(B)(4) #18.c.1 to allow existing impervious surfaces to cover approximately 1,800.15 square feet, or 59.6 percent of the required front yard, where only up to 50 percent, or approximately 1,510 square feet, of the required front yard is permitted to be covered by impervious surfaces;
2. Section 10-4-8(D)(2) to allow an existing addition to be approximately 18.14' from the south, rear lot line where a rear yard setback of 40' is required in the R2 Residential District;
3. Section 10-5-5(B)(4) #8 to allow an existing deck to be approximately 10.25' from the south rear lot line where a rear yard setback of 16' is required;
4. Section 10-5-5(B)(4) #22 to allow an existing water garden (pond) to be approximately 1.84' from the south rear lot line where a rear yard setback of 16' is required; and
5. Any other zoning relief necessary to allow the existing building addition, impervious surface coverage in front yard, deck, and water garden to remain as constructed and as depicted on the plans presented at the public hearing or at a public meeting of the Village Board.

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

LOT 4 IN HARRISON'S FIFTH RESUBDIVISION OF PARTS OF LOT 3 IN BLOCK 1 OF ROBERTSON'S SEVENTH ADDITION TO GLEN ELLYN, BEING A SUBDIVISION OF THE EAST 1/2 OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID HARRISON'S FIFTH RESUBDIVISION RECORDED JUNE 22, 1971, AS DOCUMENT R71—28290, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-10-205-027

Common Address: 249 Kenilworth Court, Glen Ellyn, Illinois 60137

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



To view plans related to the proposed project, please visit the Village website here: <http://www.glenellyn.org/246/Public-Notice-Portal>. Plans are also on file in the Community Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois. These plans and a staff report will be posted on the Village's website on the Agendas and Minutes page for public viewing no later than Friday, March 4, 2022.

On January 7, 2022, Governor JB Pritzker signed a new Gubernatorial Disaster Proclamation extending the statewide declaration. With the signing of a new disaster proclamation, public bodies are authorized to meet remotely without the otherwise required quorum present at the meeting place while a disaster declaration is in place in accordance with (P.A.) 101-0640. The Covid-19 disaster declaration satisfies this condition, allowing Zoning Board of Appeals members to participate electronically in meetings at this time. The public is welcome to observe and participate in all meetings of the Zoning Board of Appeals.

All persons who are interested are invited to attend the public hearing via Zoom. Any public questions or comments regarding this request should be submitted in advance of the meeting via email to Atrian Fard, Planner, at afard@glenellyn.org. All public comments received by 4:30 pm on Tuesday, March 8, 2022 will be read into the record at the public hearing. The public may also observe and participate in the meeting in progress on Zoom. The Zoom information is provided below.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85458577166?pwd=OUkxSi9tUDAvbHV3cTdVcVBXdIFsZz09>

Passcode: 856699

Or One tap mobile:

US: +13126266799,,85458577166#,,,*,856699# or +13017158592,,85458577166#,,,*,856699#

Or Telephone:

Dial: 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: 854 5857 7166

Passcode: 856699

NOTICE OF PUBLIC HEARING

Rick and SuzAnne Cholewinski, owners of the property at 249 Kenilworth Court, are requesting a public hearing for zoning variations in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code. Before the Glen Ellyn Village Board can consider this request, the Glen Ellyn Zoning Board of Appeals must conduct a public hearing. The Zoning Board of Appeals will conduct a public hearing on **Tuesday, March 8, 2022 at 7:00 p.m. via the virtual meeting platform, Zoom.**

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2. Section 10-4-8(D)(2) to allow an existing addition to be approximately 18.14' from the south, rear lot line where a rear yard setback of 40' is required in the R2 Residential District;

3. Section 10-5-5(B)(4) #8 to allow an existing deck to be approximately 10.25' from the south rear lot line where a rear yard setback of 16' is required;

4. Section 10-5-5(B)(4) #22 to allow an existing water garden (pond) to be approximately 1.84' from the south rear lot line where a rear yard setback of 16' is required; and

5. Any other zoning relief necessary to allow the existing building addition, impervious surface coverage in front yard, deck, and water garden to remain as constructed and as depicted on the plans presented at the public hearing or at a public meeting of the Village Board.

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

LOT 4 IN HARRISON'S FIFTH RESUBDIVISION OF PARTS OF LOT 3 IN BLOCK 1 OF ROBERTSON'S SEVENTH ADDITION TO GLEN ELLYN, BEING A SUBDIVISION OF THE EAST 1/2 OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID HARRISON'S FIFTH RESUBDIVISION, RECORDED JUNE 22, 1971, AS DOCUMENT R71-28290, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-10-205-027
Common Address: 249 Kenilworth Court, Glen Ellyn, Illinois 60137

To view plans related to the proposed project, please visit the Village website here: <http://www.glenellyn.org/246/Public-Notice-Portal>. Plans are also on file in the Community Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois. These plans and a staff report will be posted on the Village's website on the Agendas and Minutes page for public viewing no later than Friday, March 4, 2022.

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Webinar ID: 854 5857 7166
Passcode: 856699

Published in Daily Herald February 21, 2022 (4578300)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

DuPage County Daily Herald

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

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

County(ies) of DuPage

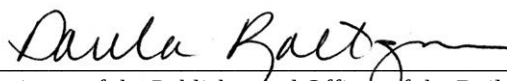
and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the DuPage County DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 02/21/2022 in said DuPage County DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY


Designee of the Publisher and Officer of the Daily Herald

Control # 4578300

List of Letters of Support/Opposition

Name	Address	Relationship to the Homeowners	Purpose
Gerald & Deborah Berger	256 Kenilworth Ct, Glen Ellyn	Adjacent Neighbor to the Northwest	Support
Kacie & Stephen Hurley	614 N Kenilworth Ave, Glen Ellyn	Adjacent Neighbor to the East	Support
Joy Talsma	260 Kenilworth Ct, Glen Ellyn	Neighbor within 250' Buffer	Support
June L. Goggin	280 Kenilworth Ct, Glen Ellyn	Neighbor within 250' Buffer	Support
Sandy Steinbach	666 N Kenilworth Ave, Glen Ellyn	Glen Ellyn Resident	Support
Lauren Sberlati	493 Greenfield Ave, Glen Ellyn	Former Neighbor/Glen Ellyn Resident	Support
Ryan Sybesma	328 Elmwood Ln, Bloomingdale	Former Neighbor	Support

January 29, 2022

Gerald & Deborah Berger

256 Kenilworth Ct.

Glen Ellyn, IL 60137

To whom it may concern at the Village of Glen Ellyn,

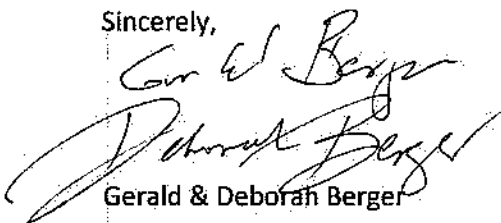
We are Gerald & Deborah Berger and we reside next door to the North of the Cholewinski Residence.

It has come to our attention that the Cholewinski's are applying for a variance for their kitchen bump out, water garden, driveway and pavers.

We are happy with the results of the Cholewinski's home renovation and are in support of their variance request.

We have not experienced any negative impact from any of their home improvements and consider these renovations to be assets to the property. Because of this, we hope that their request for variance be granted.

Sincerely,

Handwritten signatures of Gerald and Deborah Berger in black ink. The signature of Gerald is on top, and Deborah's is below it, both written in a cursive style.

Gerald & Deborah Berger

Joy Talsma
260 Kenilworth Court
Glen Ellyn, IL 60137
January 22, 2022

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

Re: Cholewinski request for variance
249 Kenilworth Court
Glen Ellyn, IL 60137

To Whom It May Concern:

I have lived in my Glen Ellyn home at 260 Kenilworth Court for 50 years. Any alterations that the Cholewinskis have made to their property at 249 Kenilworth Court have greatly improved the appearance and value of the entire cul de sac. There have been no water drainage issues or any other negative effects from any changes to their property. Only very positive effects have resulted from their *renovations of the property and their consistent efforts to enhance the appearance and maintenance of their property and the entire cul de sac.*

The Cholewinski Family is an exemplary neighbor, and I urge you to grant their petition for a variance.

Sincerely yours,



Joy Talsma

328 Elmwood Ln
Bloomington, IL 60108

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

Re: 249 Kenilworth Ct Variance

To Whom It May Concern:

My name is Ryan Sybesma. My family and I lived, at 258 Hawthorne Blvd, directly behind 249 Kenilworth Ct. We were neighbors for over eight years, and just moved out a year and a half ago. During the time we lived behind the Cholewinski's, we never experienced any water issues and appreciated their updates in their home's architecture.

I am very much in support of their variance application. If you have any questions or concerns, please don't hesitate to contact me via email or cell (331) 201-7634.

Kind Regards,

A handwritten signature in black ink, appearing to read 'Ryan Sybesma', with a long horizontal flourish extending to the right.

Ryan Sybesma
Ryan.Sybesma@aol.com

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

Re: Cholewinski Request for Variance
249 Kenilworth Court
Glen Ellyn, IL 60137

To Whom it May Concern,

My family has lived in a home adjacent to the Cholewinski family for the past four years. We have always admired their home and feel that all upgrades that have been made have improved the appearance of their property, and indirectly ours.

Our property directly abuts their driveway and we have never experienced any drainage issues. I can say that with confidence as we lived here through several significant rainstorms.

Kind regards,

The Hurley Family (Kacie and Stephen)

 1.23.2022

614 Kenilworth Avenue
Glen Ellyn, IL 60137

January 21, 2022

June Goggin
280 Kenilworth Ct.
Glen Ellyn, IL 60137

To WHOM IT MAY CONCERN
The Village of Glen Ellyn

RE: 249 Kenilworth Ct.
Rick & Suzanne Cholewinski

NO SIGNATURE,
JUNE WAS IN
FLORIDA AND
EMAILED US
HER LETTER
FEEL FREE TO
CALL HER (630)
373-0198

The Cholewinski Family has done an amazing job of updating and improving their home on the cul-de-sac, 249 Kenilworth Ct.

It has improved the curb appeal of our little street. Their renovations have not made any changes in water/rain drainage.

They have been considerate and helpful neighbors.

June L. Goggin
280 Kenilworth Ct.

Lauren Sberlati
493 Greenfield Ave
Glen Ellyn, IL 60137

January 24, 2022

The Village of Glen Ellyn
Zoning Committee
535 Duane Street
Glen Ellyn, IL 60137

RE: 249 Kenilworth Court Application for Variance

Dear Zoning Committee,

As a former neighbor of Richard and Suzanne Cholewinski, the owners of 249 Kenilworth Court, I would like to express my support for the approval of the variances requested. My family and I lived at 266 Kenilworth Court for eight years, and recently moved to a new home in Glen Ellyn in June of 2021. We moved to get more space for our growing family, but were sad to leave the beautiful cul de sac and wonderful neighbors at Kenilworth Court.

Any changes made by the Cholewinskis to their property at 249 Kenilworth Ct. have only improved property value and the appearance of the Court as a whole. Their renovations and consistent maintenance efforts greatly improve the neighborhood. The Cholewinskis were courteous and considerate neighbors while conducting any changes to their property. We did not experience any negative effects – drainage or otherwise - at our former property because of the changes made at 249 Kenilworth Court.

The Cholewinski Family are ideal neighbors, and I strongly support the approval of their petition for variance.

Sincerely,


Lauren Sberlati

Sandy Steinbach
666 Kenilworth Ave.
Glen Ellyn, IL 60137

January 23, 2022

The Village of Glen Ellyn
Zoning Committee
535 Duane St.
Glen Ellyn, IL 60137

RE: 249 Kenilworth Court Application for Variance

Dear Zoning Committee,

As a longtime neighbor of Richard and Suzanne Cholewinski, owners of 249 Kenilworth Ct. , I am communicating my support for the approval for the variances being requested

All Changes made to the property have improved the property value within the neighborhood as well as maintained the essential character of the property.

The changes have not interfered with or impaired light, created any hazards nor created any drainage problems to any of the adjacent properties.

The Cholewinski's have been valued neighbors and I wholeheartedly am in favor of the approval of the requested variances.

Sincerely,

A handwritten signature in cursive script that reads "Sandy Steinbach".

Sandy Steinbach

This space for Recorder's use only



This space for Recorder's use only

**Village of Glen Ellyn
UTILITY EASEMENT(S) AFFIDAVIT TO ALLOW A
PAVER WALKWAY AND POND TO REMAIN**

PROPERTY OWNER(S) NAME: _____

PROPERTY OWNER(S) ADDRESS: _____

PROPERTY ADDRESS: _____

PROPERTY IDENTIFICATION NUMBER (PIN): _____

I, the undersigned, acknowledge that the attached permit application is for an existing paver walkway and an existing pond to remain while encroaching in part, into a recorded easement. I further acknowledge that I, the Owner, shall notify all affected easement holders and inform them of the contemplated development or activity to occur within their designated easement area(s) and obtain their approval.

I recognize that the failure to obtain all required approval(s) from easement holder(s) renders any permit issued by the Village of Glen Ellyn null and void and without any further effect. I also recognize, as Owner, should any permit be deemed null and void I am obligated under the laws and ordinances of the Village of Glen Ellyn to immediately cease and desist activity and/or remove all improvements erected, built, constructed or relocated by the permit at my own expense.



I further realize that the easement holder may, at any time in the future, request access to the easement area, for any purpose, and that I, as the Owner, may be required to cease any activity or remove any improvement authorized under the Village permit(s) at my own expense.

I acknowledge that the issuance of a permit by the Village of Glen Ellyn does not affect, in any way, any right, liability, responsibility, duty or obligation pursuant to the easement conditions and terms nor is the issuance of a permit, a license or grant of authority to engage in any use or improve the subject area in any manner contrary to the terms and conditions of the easement. I further acknowledge that the Village of Glen Ellyn does not warranty or guaranty any applicant representations regarding his/her rights, liabilities, responsibilities, duties or obligations under the terms and conditions of the easement.

State of Illinois

County of _____.

Subscribed and sworn to before me this

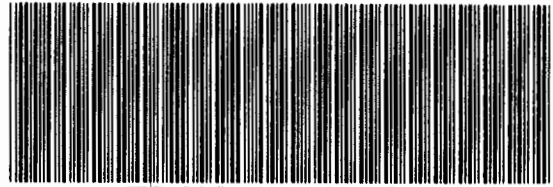
_____ day of _____, 20____

by _____
Name of person signing

Signature of Notary

Signature of Property Owner:

Printed Name of Property Owner:



FRED BUCHOLZ

DUPAGE COUNTY RECORDER

JUN.02,2006

11:24 AM

OTHER

05-10-205-027

012 PAGES

R2006-103957

Village of Glen Ellyn

Ordinance No. 5457

**An Ordinance Approving Variations from the
Side Yard Setback and Rear Yard Setback Requirements of the
Zoning Code to Allow the Construction of
An Expanded Second Floor and a New Open Front Porch
For Property at 249 Kenilworth Court**

**Adopted by the
President and Board of Trustees
Of the Village of Glen Ellyn
DuPage County, Illinois
this 10 day of April, 2006.**

Published in pamphlet form by the authority of the
President and Board of Trustees of the Village of
Glen Ellyn, DuPage County, Illinois, this 13
day of April, 2006.

**PREPARED BY AND MAIL TO:
VILLAGE OF GLEN ELLYN
ATTN: VILLAGE CLERK
535 Duane Street
Glen Ellyn, IL 60137**

Ordinance No. 5457

**An Ordinance Approving Variations from the
Side Yard Setback and Rear Yard Setback Requirements of the
Zoning Code to Allow the Construction of
An Expanded Second Floor and a New Open Front Porch
For Property at 249 Kenilworth Court**

Whereas, Richard and SuzAnne Cholewinski, owners of property at 249 Kenilworth Court, Glen Ellyn, Illinois, which is legally described as follows:

Lot 4 in Harrison's Fifth Resubdivision of part of Lot 3 in Block 1 of Robertson's Seventh Addition to Glen Ellyn, being a Subdivision of the East half of Section 10, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat of said Harrison's Fifth Resubdivision recorded June 22, 1971, as document R71-28290, in DuPage County, Illinois.

P.I.N.: 05-10-205-027

have petitioned the President and Board of Trustees of the Village of Glen Ellyn for two Variations from the Glen Ellyn Zoning Code as follows:

1. Section 10-4-5(D)1 to allow the construction of a second-story addition above the existing home that has a rear yard setback of 10.03 feet in lieu of the required rear yard setback of 40 feet.
2. Section 10-5-5(B)4.25 to allow the construction of an open, one-story, roofed-over porch with a side yard setback of 11 feet in lieu of the minimum required side yard setback of 16 feet; and

Whereas, following due notice by publication in The Glen Ellyn News 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 March 14, 2006, at which the petitioners presented

evidence, testimony, and exhibits in support of the Variations requested, and one person appeared in favor of the request and one anonymous person wrote a letter in opposition thereto; and

Whereas, based upon the evidence, testimony, and exhibits presented at the public hearing, the Zoning Board of Appeals adopted findings of fact and, by a vote of four “yes” and zero “no,” recommended that the Variations be approved as set forth in its Report and Recommendation dated March 14, 2006, appended hereto as Exhibit "A"; and

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

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

- A. The shape of the lot and the relationship to the cul-de-sac is unique when compared to the definitions in the Zoning Code;
- B. Because of the unique shape of the lot, the setbacks restrict the buildable portion on the lot;
- C. The building setbacks defined in the Zoning Code position the majority of the existing home in a nonconforming location;
- D. The second floor addition would not be any closer to the neighboring homes than the existing house;
- E. The addition will improve the character of the existing home and the essential character of the neighborhood; and

Whereas, the President and Board of Trustees, based on the aforementioned findings of fact, find it appropriate to grant the Variations 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 Report and Recommendation of the Glen Ellyn Zoning Board of Appeals, Exhibit "A" appended hereto, is hereby accepted, and the findings of fact and conclusions set forth in the preamble above are hereby adopted as the findings of fact and conclusions of the corporate authorities of the Village of Glen Ellyn.

Section Two: Based upon the above findings of fact, the President and Board of Trustees hereby approve the following two Variations from the Glen Ellyn Zoning Code as follows:

1. Section 10-4-5(D)1 to allow the construction of a second-story addition above the existing home that has a rear yard setback of 10.03 feet in lieu of the required rear yard setback of 40 feet.
2. Section 10-5-5(B)4.25 to allow the construction of an open, one-story, roofed-over porch with a side yard setback of 11 feet in lieu of the minimum required side yard setback of 16 feet,

for the property at 249 Kenilworth Court, Glen Ellyn, Illinois, which is legally described as follows:

Lot 4 in Harrison's Fifth Resubdivision of part of Lot 3 in Block 1 of Robertson's Seventh Addition to Glen Ellyn, being a Subdivision of the East half of Section 10, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat of said Harrison's Fifth Resubdivision recorded June 22, 1971, as document R71-28290, in DuPage County, Illinois.

P.I.N.: 05-10-205-027.

Section Three: This grant of Variations is conditioned upon the following:

- A. The construction shall be in substantial compliance with the Application for Variation received February 9, 2006 and signed January 24, 2006, including:
 - Photos of Existing Site
 - 1&2 Family Dwelling Zoning Worksheet
 - Certificate of Building Height Compliance
 - Proof of Ownership

- Building Plan (Sheet 1)

- B. The Village Forester participates in the process of the placement of any foundation or flatwork associated with the proposed detached garage and driveway that will conform to all applicable Zoning Code regulations to make recommendations regarding all protected trees and parkway trees.

Section Four: The Building and Zoning Official is hereby authorized and directed to issue building permits for the subject property, consistent with the Variations granted herein, provided that all conditions set forth hereinabove have been met and that the proposed construction is in compliance with all other applicable laws and ordinances. This grant of Variations shall expire and become null and void eighteen (18) months from the date of passage of this Ordinance unless a building permit to begin construction in reliance on this Variation is applied for within said eighteen (18)-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 Planning and Development Department 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 owner or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of said Ordinance, shall subject the owner or party in interest to the penalties set forth in Section 10-10-18 "A" and "B" of the Village of Glen Ellyn Zoning Code.

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

10 day of April, 2006.

Ayes: Pefferman, Lee, Armstrong, Chapman,
Naiten

Nays: - 0 -

Absent: Gardner

Approved by the Village President of the Village of Glen Ellyn, Illinois, this 10 day of

April, 2006.

Wicky Chase

Village President of the
Village of Glen Ellyn, Illinois

Attest:

Andrea Krathz

Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the 13 day of April, 2006).

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**Report and Recommendation of the
Glen Ellyn Zoning Board of Appeals
on the Petition of Richard and SuzAnne Cholewinski
for Side Yard Setback and Rear Yard Setback Variations
at 249 Kenilworth Court
March 14, 2006**

TO: The President and Board of Trustees,
Village of Glen Ellyn, Illinois

Richard and SuzAnne Cholewinski, owners of the property at 249 Kenilworth Court, would like to construct a second-floor addition and a new open front porch to the existing home. A new detached garage is also proposed as part of the project, which conforms to the Zoning Code. The property owners are requesting approval of two Variations from the Glen Ellyn Zoning Code as follows:

1. Section 10-4-5(D)1 to allow the construction of a second-story addition above the existing home that has an existing rear yard setback of 10.03 feet in lieu of the required rear yard setback of 40 feet.
2. Section 10-5-5(B)4.25 to allow the construction of an open, one-story, roofed-over porch with a side yard setback of 11 feet in lieu of the minimum required side yard setback of 16 feet.

The petitioners were referred to the Zoning Board of Appeals to conduct a public hearing thereon as required by the Zoning Code. The Zoning Board of Appeals set the date of the required public hearing for Tuesday, March 14, 2006. Notice of the public hearing was published in The Glen Ellyn News on February 23, 2006. Notices were sent to the property owners within 250 feet of the subject property as required. A sign was placed on the subject property announcing that a public hearing would be held regarding the site.

The Zoning Board of Appeals issued the following Report and Recommendation:

I. Report:

- A. Location -- The property is located at the west end of the cul-de-sac known as Kenilworth Court, which is located off the west side of Kenilworth Avenue between Hawthorne Boulevard and Linden Street. The property is legally described as follows:

Lot 4 in Harrison's Fifth Resubdivision of part of Lot 3 in Block 1 of Robertson's Seventh Addition to Glen Ellyn, being a Subdivision of the East half of Section 10, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat of said Harrison's Fifth Resubdivision recorded June 22, 1971, as document R71-28290, in DuPage County, Illinois.

P.I.N.: 05-10-205-027

- B. Characteristics of the Surrounding Area -- The property at 249 Kenilworth Court and the surrounding areas are zoned R2 - Residential District. The properties consist of a variety of lot sizes and building configurations.
- C. Public Hearing -- Mr. Wilson, Building and Zoning Official, reviewed the characteristics of the surrounding area, presented plans of the proposed project and introduced the requested variations. Mr. Wilson described the lot shape and the relative orientation of the property to the cul-de-sac. He explained that the existing home is nonconforming and currently extends into the required side yard and the required rear yard. The project consists of a second story addition, a new front porch and a detached garage. Mr. Wilson explained that the existing house was likely constructed under a different set of definitions or through a different interpretation of the code.

Richard and SuzAnne Cholewinski presented testimony in support of this request. SuzAnne described the existing house. She indicated that they would like to make the modifications to improve the appearance of the home, gain more space and eliminate the flat roof, which leaks. She also indicated that they want to add the front porch to define the front entrance, which is not obvious to guests. Changing the roof from a flat structure to a pitched roof will also improve the drainage in the area as more water can be diverted towards the front yard and away from the neighbors in the back.

Building Official Wilson explained the height requirements for this lot. The maximum permitted height is 37 feet and 42 feet if the maximum bonuses were applied. The proposed house would be approximately 34 feet high, which is less than permitted.

Several ZBA members questioned the petitioners about the existing trees on the lot, particularly the trees along the east side of the house. The petitioners explained that the detached garage was situated to protect as many of the existing trees as possible. Mr. Cholewinski agreed to work with the Village Forester to ensure that the construction of the garage would have as little as possible impact on any trees.

One person spoke in favor of the request.

June Goggin – 280 Kenilworth Court

Ms. Goggin explained that she lived in the petitioners' home at one time. She feels that the proposed modifications are beautiful and will enhance the area. She knows everyone in the cul-de-sac and believes that the letter written in opposition must be from someone who lives on another street, possibly behind the petitioners' home.

No persons spoke in opposition to the request.

- D. Exhibits:

- Exhibit 1: Staff Report from the Building & Zoning Official to the Zoning Board of Appeals dated March 7, 2006.
- Exhibit 2: Notice of Public Hearing, published in the February 23, 2006, edition of The Glen Ellyn News, names and addresses of property owners notified, and location map.
- Exhibit 3: Application for Variation received February 9, 2006 and signed January 24, 2006, including:
- Photos of Existing Site
 - 1&2 Family Dwelling Zoning Worksheet
 - Certificate of Building Height Compliance
 - Proof of Ownership
 - Building Plan (Sheet 1).
- Exhibit 4: Site Plan indicating variations being requested prepared by staff.
- Exhibit 5: Petition Supporting the Requested Variations signed by 10 people.
- Exhibit 6: Two Photographs of the existing house submitted by petitioners.
- Exhibit 7: Letter from an anonymous neighbor opposing the proposed project.
- E. Deliberations: The Zoning Board of Appeals discussed the request based on testimony presented by the petitioners. All Zoning Board members were in favor of recommending approval of the variations. The members felt that the project was essentially a straight-up addition. They also felt that the shape of the lot is unique and, per the Zoning Code definitions, the property is non-buildable without a variation. It is likely that the interpretation of the definitions has changed over the years. All the members agreed that the appearance of the home would be improved and the additions would enhance the neighborhood. None of the Zoning Board members felt that the additions would adversely affect the neighboring properties.
- F. Findings of Fact: After hearing testimony from the petitioners, the Zoning Board of Appeals established the following Findings of Fact relative to the variations:
1. That the particular physical conditions of the property and the location of the existing buildings on 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 the lot has a unique shape and when applied to the definitions in the Zoning Code, there is not ample buildable area;
 2. The conditions upon which the petition for variations are based would not be applicable generally to the other properties within the same zoning district because the other homes

in the area have more regular shapes and are oriented towards the street;

3. That the purpose of the variations is not based exclusively upon a desire to make more money out of the property but to improve the appearance of the property and quality of the structure;
4. That the alleged difficulty or particular hardship has not been created by the person presently having an interest in the property or by the applicant;
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 in the same location as the existing home and will otherwise comply with the bulk requirements within the Zoning Code;
6. That the proposed variation:
 - a. Will not impair an adequate supply of light and air to adjacent property because the home is no closer to any neighboring homes;
 - b. Will not substantially increase the hazard from fire or other dangers to said property or adjacent property because the addition will not be any closer to the neighboring home than required by code;
 - c. Will not otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of the Village;
 - d. Will not diminish or impair property values within the neighborhood;
 - e. Will not unduly increase traffic congestion in the public avenues and highways since the use will not change;
 - f. Will not create a nuisance since the use will remain the same; or
 - g. Will not result in an increase in public expenditures since the work is being conducted within private property; and
7. That the variations are the minimum variations that will make possible the reasonable use of the land, building or structure without having to purchase land or relocating the building in an area that would have adverse affects on the neighbors.

II. Recommendation:

The Zoning Board of Appeals forwards to the Village Board the following recommendation: On a motion made to approve the requested variation by Member SiligmueLLer and seconded by Member Waterman, that the Village Board approve the requested variations from the Glen Ellyn Zoning as follows:

1. Section 10-4-5(D)1 to allow the construction of a second-story addition above the existing home that has an existing rear yard setback of 10.03 feet in lieu of the required rear yard setback of 40 feet, and

2. Section 10-5-5(B)4.25 to allow the construction of an open, one-story, roofed-over front porch with a side yard setback of 11 feet in lieu of the minimum required side yard setback of 16 feet,

with a condition that the Village Forester participate in the process of the removal and placement of any foundation work in the area of the detached garage.

Upon a roll call vote, Board Members Leuzzi, Siligmueller, Waterman and Chairman Garrity voted "yes". The motion to approve the requested variations carried unanimously with four "yes" votes.

The Zoning Board of Appeals has found that a practical difficulty or particular hardship exists because of the shape of the lot and the unique relationship and orientation to the cul-de-sac. The ZBA members did not feel that the home would have any adverse affects on the neighboring properties because the majority of the addition (except the new open front porch) is a straight-up addition.

Respectfully submitted,



Richard Garrity, Chairman
Zoning Board of Appeals

Date of Hearing: March 14, 2006

Present: Members Leuzzi, Siligmueller, Waterman and Chairman Garrity

Absent: Members Fried, Kolar and Ozog

Also Present: Trustee Liaison Pfefferman, Building and Zoning Official Wilson and Transcriber Utterback

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CERTIFICATION

I, Andrea L. Draths, duly elected Village Clerk of the Village of Glen Ellyn, Illinois, do hereby certify that the attached is the true original copy of Ordinance No. 5457, passed by the Board of Trustees of the Village of Glen Ellyn, Illinois, at the Regular Meeting of said Board held on the 10 day of April, 2006, and that the same was signed and approved by the President of said Village on the 10 day of April, 2006.

I do further certify that the original is entrusted to me as Village Clerk of said Village for safekeeping and that I am the lawful custodian and keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Glen Ellyn, Illinois, this 18 day of April, 2006.

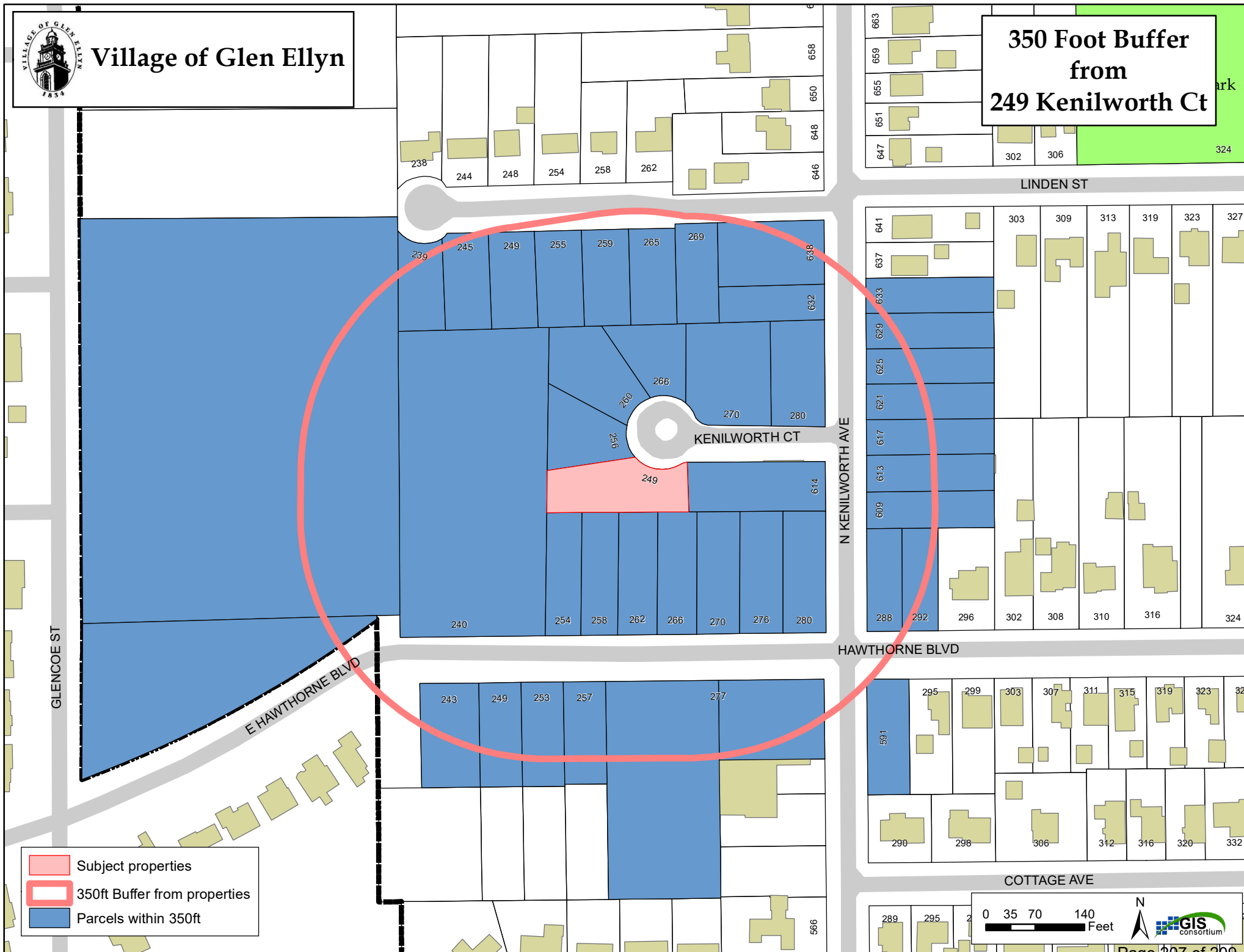
Andrea Draths
Village Clerk

CORPORATE SEAL



Village of Glen Ellyn

350 Foot Buffer
from
249 Kenilworth Ct



249 Kenilworth Court Address List

Name	St. #	St. Dir.	St. Name	City	State	Zip
Allgaier, Mark C & Susan	262		Hawthorne Blvd	ilen Ellyn	IL	60137
Annan, Kent J	625		Kenilworth Ave	ilen Ellyn	IL	60137
Beck, William & Cynthia	613		Kenilworth	ilen Ellyn	IL	60137
Berger, Gerald & Deborah	256		Kenilworth Ct	ilen Ellyn	IL	60137
Busch, Henry O	254		Hawthorne	ilen Ellyn	IL	60137
Cholewinski, Richard	249		Kenilworth Ct	ilen Ellyn	IL	60137
Cuneo, Natalie M	249		Hawthorne Blvd	ilen Ellyn	IL	60137
Flaherty, Michael & Jill	280		Hawthorne St	ilen Ellyn	IL	60137
Franson, Dean A	245		Linden St	ilen Ellyn	IL	60137
G E Evangelical Covenant	277		Hawthorne Blvd	ilen Ellyn	IL	60137
Gardner, Paul & Rosetta N	276		Hawthorne Blvd	ilen Ellyn	IL	60137
Glen Ellyn Evangelical	277		Hawthorne Blvd	ilen Ellyn	IL	60137
Goggin, June L	280		Kenilworth Ct	ilen Ellyn	IL	60137
Griffin, Violina & Scott	253		Hawthorne Blvd	ilen Ellyn	IL	60137
Griffith, G Paul & Susan	638		Kenilworth Ave	ilen Ellyn	IL	60137
Hildebrand, Robert L	680		Essex Rd	ilen Ellyn	IL	60137
Hlinku, Zach	249		Linden St	ilen Ellyn	IL	60137
Hurley, S & K McMahon	614		Kenilworth Ave	ilen Ellyn	IL	60137
Koch, Steven & Mary	288		Hawthorne Ave	ilen Ellyn	IL	60137
Lamy, Anthony R	258		Hawthorne Blvd	ilen Ellyn	IL	60137
Lederhouse, William & R B	591		Kenilworth Ave	ilen Ellyn	IL	60137
Mc Dougal, Roger & Lisa	265		Linden St	ilen Ellyn	IL	60137
Mcfarland, Matthew & R	633		Kenilworth Ave	ilen Ellyn	IL	60137
Peters Jr, Raymond C	621	N	Kenilworth Ave	ilen Ellyn	IL	60137
Rohde, Robert & Tara	617		Kenilworth Ave	ilen Ellyn	IL	60137
Ryskamp, M	292		Hawthorne Blvd	ilen Ellyn	IL	60137
Sberlati, Nicholas & L	266		Kenilworth Ct	ilen Ellyn	IL	60137
School District No 41	793	N	Main St	ilen Ellyn	IL	60137
Smith, Kathleen	255		Linden St	ilen Ellyn	IL	60137
Song, Wei	243		Hawthorne Blvd	ilen Ellyn	IL	60137
Sostak, Jeffrey & J	266		Hawthorne	ilen Ellyn	IL	60137
Talsma, Joy & Craig	260		Kenilworth Ct	ilen Ellyn	IL	60137
Thomas, Margaret & R	259		Linden St	ilen Ellyn	IL	60137
Villasenor, Charles M	269		Linden St	ilen Ellyn	IL	60137
Wallace, Christine	270		Kenilworth Ct	ilen Ellyn	IL	60137
Winterton, Eric	632		Kenilworth Ave	ilen Ellyn	IL	60137
Wittke, Eric & Priyanka	629		Kenilworth Ave	ilen Ellyn	IL	60137
Woods, Laurelyn J	239		Linden St	ilen Ellyn	IL	60137
Wright, Elizabeth M	609		Kenilworth Ave	ilen Ellyn	IL	60137

