

AGENDA
Glen Ellyn Zoning Board of Appeals Meeting
Tuesday, April 12, 2022, 7:00 p.m.
Glen Ellyn Civic Center
535 Duane Street



A. Call to Order

B. Public Comment (Non-Agenda Items)

C. Approval of the Draft Minutes from the ZBA Meeting March 8, 2022.

D. Public Hearings.

1. 265 Bryant Avenue

Chris and Morgan Sweet, owners of the property at 265 Bryant Ave. are requesting a variation from the Zoning Code to construct a two-story single-family home with a building ridge height of 35'6" and eave height of 26'6", where the maximum building height is 32' to the top of the ridge and 22' to the bottom of the highest eave.

2. 810 Dorchester Court

Aly Babul, owner of the property, located at 810 Dorchester Court, is requesting a variation from the Zoning Code, to allow the replacement of a six-foot, fully enclosed fence where the maximum height for a fence closer to the street than the principal structure on a lot is four feet and 33.3 percent open in the R1 Single Family Residential District.

E. Village Board Trustee Report.

F. Chairman's Report.

G. Staff Report.

H. Other Business and Adjourn.

Dear Petitioner(s) and Interested Citizens:

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

Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have

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questions regarding the accessibility of the meeting or facilities, are requested to contact the Village at (630) 469-5000.

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



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

Meeting 4/12/2022 7:00 PM
Department: Community Development
Department Head: Staci Springer
Category: Minutes
Prepared By: Atrin Fard, Kelly Purvis

**AGENDA ITEM (ID
2022-2105)**

DOC ID: 2022-2105

Zoning Board of Appeals Minutes of March 8, 2022

Statement of the Issue:

Please see attached.

Analysis:

Please see attached.

Budget Impact:

Please see attached.

Action Requested:

Please see attached.

Attachments:

1. 3-8-22 ZBA Meeting Minutes-DRAFT

**DRAFT MINUTES
ZONING BOARD OF APPEALS MEETING
March 8, 2022**

Call to Order and Roll Call

The meeting commenced at 7:06 p.m., with Chairperson Greg Constantino announcing that the proceedings would be conducted remotely, in accordance with a disaster declaration associated with Covid-19 and public health concerns. Mr. Constantino described the Zoning Board of Appeals (ZBA), describing the process for making determinations about matters brought before it and outlined public notice.

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

Chairperson Constantino went over public hearing protocol, announcing the meeting would be recorded, and introduced the following individuals also participating in tonight's meeting: Associate Planner Taylor Gendel, Planner Atrian Fard, Recording Secretary Barb Dutton, and Board of Trustees Liaison Kelli Christiansen. Planning Manager Kelly Purvis was also present.

Motion to Allow Remote Participation

A motion to allow remote participation in the meeting by the ZBA made by Board Member Miller was seconded by Member Whalls and passed unanimously upon roll call vote.

Approval of Meeting Minutes

Following a motion by Board Member Covington, seconded by Member Crudele, to approve the draft minutes of the February 1, 2022 meeting, the motion passed unanimously by roll call vote.

Public Hearing for 333 Merton Avenue

A motion by Board Member Crudele to open the Public Hearing concerning consideration of a construction necessitated zoning variation for 333 Merton Avenue, seconded by Member Covington, passed unanimously by roll call vote.

Staff Presentation

Sworn in, Associate Planner Taylor Gendel, 535 Duane, stated that the petitioners, Elizabeth and Thomas Berdelle, owners of the property at 333 Merton Avenue, are requesting a public hearing to amend the conditions of approval of Ordinance No. 5315 of the Glen Ellyn Zoning Code, she stated. 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, continued Ms. Gendel, who said the zoning and land use immediately surrounding the subject property is R2 single-family residential. The Petitioners, explained Ms. Gendel, request a public hearing to amend the conditions of approval of the ordinance which granted approval of a variation from the lot coverage ratio (LCR) limitation, to allow the construction of a screen patio room addition on the subject property. The residence was granted a variation on November 22, 2004 to allow the construction of a screened patio room addition that increased the LCR to 23.8 percent in lieu of the 20 percent, with the condition that the room not be enclosed with solid windows or converted to a four-season room, or to add insulation or heating without appearing for another variation.

The current property owners purchased the home in February of 2020 and were not told about the previously granted variation or conditions of approval by the seller, stated Ms. Gendel. 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 about \$16,000 on their window replacement, she added.

Prior to installation, continued Associate Planner Gendel, 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. GFCI (Ground fault circuit interrupter) outlets were not installed, and water entry was causing 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, she continued. 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 to it. 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 that the existing structure will remain in good standing and prevent further structural issues. Ms. Gendel outlined ZBA action and listed the conditions to be amended.

Board Questions

Member Miller asked if a variance is attached to a deed at the County. Chairperson Constantino said a variance is recorded appears when a title prepared will include terms of a variation. Planning Manager Purvis said that the ordinance was recorded, but she doesn't know if it showed up in a title search. Member Covington asked who told the construction company a permit wasn't required, to which Ms. Gendel replied that it was a permit technician. Ms. Purvis said a permit wasn't required since the window hole wasn't being expanded, and so notice of the violation "slipped through the cracks." She added that "it's difficult to track these types of things," but that it wouldn't change the requirement. Chairperson Constantino asked for confirmation that the replacement by solid material is to correct issues such as the rotting wood, and conditions, such as adding heating or insulation, and conversion to an all-season room won't be changed. Ms. Gendel answered affirmatively, saying the amendment is only for the windows.

Petitioner's Presentation

Sworn in, Betsy and Thomas Berdelle, 333 Merton Avenue. Mr. Berdelle stated that the intention is not to amend any other stipulations of the original ordinance, but to put in windows to protect the porch from the elements, but not make it a four-seasons room. He said the Petitioners were not aware of the ordinance when they purchased the home, and are interested in adhering to Village requirements. Margaret King, 323 Merton, was sworn in. She stated that living next door she can see the porch and thinks "the windows would be great," and indicated she has no issues with the Petitioner's plan to install them.

Board Member Panther reviewed the findings of fact. Board Member Covington made a motion to accept these findings; seconded by Board Member Crudele the motion passed unanimously by roll call vote.

Deliberation

Board Member Covington said that while she doesn't really know the purpose of the room in that it has hardwood floors, she approves of the amendment to the variance requested as the Petitioners, as they inherited "kind of a mess," and that the builder made an attempt to get a permit. Member Crudele believed the homeowners did due diligence, and so she is in favor, and considers improvements made to be a hardship. Member Jones indicated he'd vote in favor. Mr. Miller also said he'd vote, "Yes." Mr. Panther said he's "in the same boat," Mr. Whalls expressed that he's a "definite yes." Chairperson Constantino said he's in favor of recommending that the Board grant the variation for the reasons that have been put forward.

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

Board Member moved Miller moved for the following:

Having considered the application of Elizabeth and Thomas Berdelle, owners of the property located at 333 Merton Avenue, Glen Ellyn, 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 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 March 8, 2022, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following hardship and unique circumstance: Rotting wood and sills caused the need to replace existing screens, the owners were not notified at the time of purchase there was a variation restricting windows and it was not made clear when the contractor called the Village, because replacement windows do not necessitate a permit. This is subject to the following conditions:

1. The project shall remain in substantial conformance with the plans submitted and the testimony presented at the March 8, 2022 public hearing of the Zoning Board of Appeals.
2. The room shall not be further enclosed or converted to a four-season room, no insulation or heating shall be added to the space without appearing for another variation.

Seconded by Board Member Covington, the motion passed unanimously by roll call vote.

Public Hearing for 791 Willis Street

A motion made by Board Member Crudele, seconded by Member Miller, to open the Public Hearing concerning consideration of a zoning variation for 791 Willis Street passed unanimously by roll call vote.

Staff Presentation

Sworn in, Village Planner Adrian Fard, 535 Duane, Glen Ellyn stated that the Petitioners are David and Christina Morrison, owners of the property located at 791 Willis Street, are requesting a recommendation of approval of a variation from the Glen Ellyn 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 addition to an existing principal structure in the R2 Residential District.

The subject property and all surrounding properties are zoned R2 – Single Family Residential District and are all improved with single family homes, stated Ms. Fard, who added that the irregular-shaped lot located on the southeast side of Willis Street with partial frontage along Riford Road. 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 percent 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 23 feet, resulting in a front yard setback of 0 feet. 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 type of improvement on the lot without granting a variation from the Zoning Code. The Petitioners recently purchased the property and wish to invest in and improve the house with thoughtfully placed additions while preserving the home's ranch style, continued Ms. Fard.

The Petitioners are proposing to expand the building's footprint by adding two one-story additions; one to the west and one to southeast side of the existing residence. The proposed addition on the west side of the home will expand the attached two-car garage for approximately 284SF to accommodate a third garage space. The addition will encroach 12.9 feet into the required 30-foot front yard setback, which will add 147.33SF to the existing impervious surface coverage in the required front yard. As part of the garage expansion project, the existing concrete driveway will be widened for approximately 8 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, noted Ms. Fard. The proposed site plan also shows a 3-foot-wide walkway that connects the driveway to the new side door on the western elevation, she observed.

The proposed addition to the southeast of the house will add approximately 344SF 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 SF 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 requirement for front setback. Therefore, she explained, 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, she added, before going on to relate ZBA action expected.

Board Questions

Board Member Jones asked whether, if the lot was vacant, a home could be built on it without any variance. Ms. Fard replied that it would be difficult to build a completely compliant building, given the difficulty of the lot, the required front yard setback covers approximately 47 percent of the lot. Mr. Miller asked if the Village Engineer looked at the water flow, citing a drop in terrain to neighbors' yards. Ms. Fard responded that the Engineer had not because the LCR and impervious surfaces are compliant, though this will be reviewed as part of the building permit process. Reed Panther asked for clarification of lot boundaries. Ms. Fard reviewed the map, noting an encroachment onto the Village ROW, and explaining that the Petitioner is not proposing any changes and that the current setup is legal non-conforming. Mr.

Whalls asked the current square footage of the house. Planner Fard stated she didn't have the figure at hand, but could assure Mr. Whalls it meets code and would continue to do so with the proposed addition.

Mr. Whalls asked what the hardship pretense is for a three-car garage. Ms. Fard replied that the lot shape and required large front yard, which yields no room for an addition at front, is the hardship in the case, but would ask the Petitioners why they need a three-car garage. Chairperson Constantino asked if the proposed construction in all other respects compliant with the zoning provisions. Ms. Fard replied affirmatively.

Petitioner's Presentation

Sworn in Christina Morrison, 791 Willis Street, Glen Ellyn, related that she and her husband had been looking for a Mid-Century ranch home, and found the Willis property. Fan of vintage architecture, she said, the Petitioners wish to have the house remain looking like a Mid-Century ranch, but want the modern conveniences of an en suite bathroom and walk-in closet for the primary bedroom, and a garage to accommodate the family's three cars. She cited a slope in the driveway on which she'd rather not park in the winter and said that the lot's slope makes building a build tandem garage a challenge. She added that their architect advocates squared-off corners to make the additions look original to the home and retain the vintage look of the house. Ms. Morrison stated that she'd worked as a zoning attorney so is familiar with stormwater regulations, and said the Petitioners intend to abide by Village requirements.

Mr. Whalls asked what hardship prompts the request to construct a three-car garage. Ms. Morrison said the existing placement of the house, which is already non-compliant. Ms. Fard said that the driveway is now considered short, so it's difficult to fit the length of a big car. Chairperson Constantino noted that three letters of support had been received, and Ms. Fard said another had come in.

Public Comment

Ms. Fard read into the record the fourth letter received:

Megan Greenfield & Brian Rueffer, 575 Riford: Hi Christina and David,

My name is Megan Greenfield and we'll be your new neighbors in Glen Ellyn. We're at 575 Riford. We received your letter in the mail and wanted to let you know that we support your plan of your proposed additions to your new home.

We look forward to seeing what you do with the home as it is in definite need of some updating! Good luck with your hearing.

When do you anticipate moving in? Do you have any kids? We have several new families in the neighborhood and I'm sure you'll love living here! We look forward to meeting you soon!

Board Member Panther reviewed the findings of fact. Board Member Whalls made a motion to accept these findings; seconded by Board Member Covington the motion carried unanimously by roll call vote.

Deliberations

Board Member Covington conveyed that she is "on the fence" in her opinion, and that despite the lot shape and house placement – which the Petitioners "knew going in – she doesn't see a hardship. She acknowledged the Petitioners' mindfulness in their approach to the additions.

Board Member Crudele said that the hardship lies in the land, noting the property is already not in compliance, noting that the house was built against the property lines. She expressed that the Petitioners inherited the hardship and are trying to do the right thing to try to keep the character of the home, and said that she is in favor of granting the variance.

Member Jones commented that the house is under the LCR, and expressed concern about losing Mid-Century Modern houses to teardown. He cited the difficulty of parking a car in front of the garage and said that a three-car garage would benefit neighbors. He said he is in favor of granting the variance.

Board Member Miller said he doesn't see a hardship, but acknowledged unique circumstances, citing limitations of the "highly irregular lot." Noting the loss of Mid-Century ranches and applauding the Petitioner's plan, he said the request is valid. Expressing agreement with the opinions voiced, Member Panther said he is in favor.

Board Member Whalls said he doesn't see a hardship with the garage, and since the Petitioner works with municipalities she is familiar with zoning issues. He said he is okay with the bedroom addition, but that he's "kind of up in the air" on the request.

Chairperson Constantino said he would recommend the variation as requested as the lot configuration and location of the existing house create a unique circumstance (which, he said, would pose challenges to rebuilding on the lot).

Mr. Miller opined that the proposed garage won't look out of place, observing that the front yard is by legal definition "massive."

Board Member Whalls moved to close the Public Hearing; seconded by Member Covington, the motion carried unanimously.

Board Member Miller moved for the following:

Having considered the application of David and Christina Morrison, owners of the property located at 791 Willis Street, Glen Ellyn, for a zoning variation from 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, the Zoning Board of Appeals hereby adopts the findings of fact in the petitioners' application packet and presented by the petitioners at the Zoning Board of Appeals public hearing conducted on March 8, 2022, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following unique circumstances:

1. The house is legal non-conforming which sits on a lot with a highly irregular shape;
2. 47 percent of the property is subject to the required front yard setback;
3. The home cannot be updated to modern standards and keep the Mid-Century ranch style without a variation.

It is also subject to the following condition:

1. The project shall be constructed in substantial conformance with the plans as submitted and the testimony presented at the March 8, 2022 public hearing of the Zoning Board of Appeals.

Seconded by Board Member Panther, the motion carried by roll call vote with five (5) YES votes, and two (2) NO votes by Members Covington and Whalls.

Public Hearing for 249 Kenilworth Court

A motion made to open the Public Hearing to consider construction necessitated zoning variations for 249 Kenilworth Court by Board Member Covington, was seconded by Member Crudele and passed unanimously by roll call vote.

Staff Presentation

After being sworn in, Planner Atrian Fard, 535 Duane Street, stated that Richard and SuzAnne Cholewinski, owners of the subject property at 249 Kenilworth Court, are seeking construction necessitated zoning variations. The Petitioners, she continued, are requesting recommendation of approval for these variations from the Zoning Code: for maximum impervious surface coverage in the required front, a rear yard setback requirement for the building/kitchen; required rear yard setback for a deck, for a water garden/pond, and required impervious surface setback for the existing walkway.

The subject property and all surrounding properties are zoned R2 – Single Family Residential District and all the properties around the subject one are improved with single-family residences, continued Planner Fard. 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. The property was originally improved with a two-story frame single-family home in 1971. Due to the nature of the cul-de-sac, she said, the lot has an irregular shape with approximately 160 feet of width, and an average depth of approximately 70.25 feet, explained Ms. Fard. Given the dimensions, she said, the lot is considered much wider than those typical for the R2 district, and yet too shallow, resulting in a nonconforming depth. So, she said, the bulk of the house is located within the required rear yard setback, so it 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, explained Ms. Fard, as a nonconforming property that is deficient in lot depth and rear yard setback, there is not ample buildable area on the lot, and almost any enlargement or structural alterations to improve the house would require variations. This hardship, she stated, 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. Subsequently, a building permit application was filed 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. Since then, the subject property was issued two additional building permits to install a fence and to replace the roof.

In June 2021, related Ms. Fard, the 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 the permit 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 the necessary building permits for these improvements. 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. Specifically, elaborated Ms. Fard, the zoning review found that the renovated kitchen, driveway expansion, deck, and water garden/pond did not comply with setback and impervious surface requirements. Staff, she said, informed the homeowners of the need to either correct the improvements to comply with the Zoning Code or file a Construction Necessitated Zoning Variation (CNZV). On December 20, 2021, the homeowners notified the Village that they would like to pursue a CNZV.

Per Code, no building or addition thereof may be located within the required rear yard of 40 ft. in the R2 zoning district unless a zoning variation is granted. In August 2009, the homeowners constructed a 58.6SF addition to the back of the house to expand the kitchen space to accommodate a new island structure. Although the kitchen addition increased the building's footprint in the back, the Petitioners claim that this new cantilevered addition did not alter the building's existing foundation. The Petitioners, reported Planner Fard, have indicated that they did not realize they needed to seek a building permit or a zoning variation. The Petitioners, she added, 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 ft. from the southeast corner of the house and 18.14 ft. 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 existed since 1971, the addition's placement does not meet the full rear yard setback requirement of 40 ft. Thus, a zoning variation from the rear yard setback requirement will need to be granted to allow the kitchen addition to remain as constructed.

Per Code, continued Ms. Fard, decks are required to be no closer to a rear property line than 10 percent of the lot width, or in this case 16 ft. According to the original plat of survey, the old deck extended approximately 3.5 ft. into the required setback of 16 ft. and was considered nonconforming already. As part of the renovations done in 2009, the Petitioners replaced the old wood deck while changing the layout of the edges slightly. The Petitioners, related Ms. Fard, 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 or a zoning variation. According to the most recent plat of survey, the existing deck is now approximately 2.25 ft. closer to the rear property line than the old wood deck, which increased the nonconforming condition. Given that, she said, a zoning variation is required to allow the existing deck to remain as is.

Per Code, said Planner Fard, impervious surfaces may cover no more than 50 percent of the required front yard 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 SF. 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, explained Ms. Fard. With a combined impervious surface area of approximately 1,800.1 SF, she said, the percentage

of the required front yard covered by impervious surfaces – both circular driveway and walkways – is 59.6 percent, where a maximum of 50 percent is allowed by Code. Therefore, she explained, a variation is needed to keep the nonconforming impervious surfaces at front.

Per Code, related Planner Fard, ponds must maintain a minimum setback of 10 percent of lot width, or 16 ft. in this case, from the property line. In addition, ponds must comply with all building and Zoning Code regulations for swimming pools if depth of the water is 2ft. 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 ft. from the rear property line, the water garden encroaches 14.16 ft. into the required setback of 16 ft. 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 current location. The Petitioner, stated Ms. Fard, has indicated that the water garden's deepest point is currently 25 in., with an average of 10 in. in most areas. She said the Petitioner has also stated that they can fill the pond to reduce the maximum depth to less than 24 in. Staff, stated Ms. Fard, suggests the ZBA consider adding a condition of approval that the water garden not exceed a maximum of 23 in. in depth, should it recommend approving that the existing water garden remain. The existing walkway, added Planner Fard, encroaches approximately 3 ft. into the required impervious surface setback of 8 ft. Therefore, she said, a zoning variation shall be granted to allow the existing walkway to remain within the impervious surface setback.

Planner Fard pointed out that both the water garden and walkway encroach into the drainage and public utility easement – the former 8.16 ft. and the latter approximately 5 ft. So, she said, Staff recommends the Petitioners sign an Easement Affidavit should the variations be approved garden for the walkway and water garden setbacks. However, she added, if the variations for walkway and water setbacks are denied and compliance with the setbacks are required, the walkway and water garden shall then be entirely moved from the easement area. Recently, continued Ms. Fard, the applicant submitted 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 are required. The plan was approved on January 13, 2022.

According to Ms. Fard, the Petitioner provided these cost estimates faced if the variations requested are denied:

- \$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.

Timing, she said, prevented the cost of remove the non-conforming part of the walkway to be included, but this would add a couple thousand more to the cost estimate.

Noting a boat in photography displayed, Board Member Jones wondered if such is allowed. Planner Purvis said no more than one recreational vehicle is permitted, but not in a portion of the side yard that is forward of the house setback. Mr. Miller asked if the Plat of Survey indicates buildable area. Ms. Fard said after they received, but before they built all of the improvements.

Questions

Board Member Miller asked if a photo shown of the plat of survey depicting buildable area was from the original packet the homeowners received when they received the variation last time. Planner Fard said she

believes they received it after the variations were granted for the detached garage and open front porch, but before they built the rest of the improvements.

Replying to a query from Member Jones, who'd noted a boat in one of the pictures and asked if the Village allows a boat to be stored on a residential property, Planning Manager Purvis referenced Code, saying essentially that, unless parked in an enclosed building, no more than one recreational vehicle/boat may be parked in the open, but only behind the front building line and not in the required side yard. Mr. Whalls asked if the boat's location complies. Ms. Fard indicated it doesn't, but it's an enforcement issue.

Board Member Panther asked if the house has a finished attic. Ms. Fard replied that she believes the attic is considered a third story, but added that it's not a "real complete" third floor. Chairperson Constantino asked if the ZBA is to take into consideration the Building Department's as-built review and Code instructions or just concentrate on the zoning. Ms. Fard said just the zoning variations, as, if the case meets the zoning requirements, then it will move on to building code concerns.

Petitioner's Presentation

SuzAnne and Rick Cholewinski, 249 Kenilworth Court, Glen Ellyn, were sworn in. Mrs. Cholewinski stated that work since 2006 was done in phases due to finances, and that she regrets how the driveway was initially drawn. She stated that it became a hardship to access the garage (and explained that the boat belongs to her brother and was only temporary), and that the driveway appendage was difficult to get to at times. She said the Petitioners tried to improve the deck and didn't think the kitchen cantilever would be a zoning issue. She said the Petitioners did a lot of the work themselves, and, expressing regret, said they now want "to move forward and try to get this all resolved."

Chairperson Constantino wondered why, with all the work done and knowing of the unique lot configuration, and the permitting requirements in 2006, the Petitioners weren't back before the Building and Zoning Department seeking the necessary permits, or what permits were needed. He expressed concern, noting that extensive work was done without any permitting. Mr. Cholewinski answered that he didn't think he needed a permit for the walkway/bricks and the water garden. Mrs. Cholewinski acknowledged that the missteps surrounding interior work were the Petitioners' fault, but indicated that they thought they'd covered all of the zoning issues. While she said she doesn't think they are alone in doing work without permits, she thinks they should have looked more into doing so. She acknowledged that they should have looked into it for the driveway, but said that because "the variance process was so daunting the first time," they regretfully did not. She added that the deck didn't seem changed after the work, and that they tried to keep the setback the same as that of the previous deck. She reiterated that they wish to move forward, saying they want to sell the house.

Public Comment

Relating that seven letters of support that were received were included in the Board packet, Planner Fard read the following two additional letters into the record:

Mark and Sue Allgaier, 262 Hawthorne Blvd., Glen Ellyn, IL: To the Village of Glen Ellyn Planner,
We are Mark and Sue Allgaier and we reside at 262 Hawthorne Blvd, which is directly behind the Cholewinski's home.

It has come to our attention that the Cholewinskis are applying for a setback variance for their Kitchen bumpout, water garden, and deck. We do not have any issues with the setback variances.

After rainfalls, we do have standing water in our backyard which may be due to the paving coverage or the direction of their back downspout.

Dean Franson, 245 Linden Court: *My name is Dean Franson and I live at 245 Linden Court. I read over the notice of public hearing regarding the Cholewinski's property at 249 Kenilworth Court and would like to express my support for their requested variances. Due to their lot's odd shape, it would not meet the village's requirements. Yet, I find their beautiful home to have enhanced the properties in the area and increased the property values.*

Thank you.

Board Member Panther reviewed the findings of fact, which Member Miller then moved to accept. Seconded by Member Covington, the motion carried unanimously by roll call vote.

Deliberation

Board Member Covington wondered whether the variation requests can be considered individually or whether the case was an "all or nothing proposition." Chairperson Constantino suggested that if the Board prefers to handle them separately, the approach should first be run past the Petitioners, given their timetable. Planning Manager Purvis said it is acceptable for the Board to consider approval of variances separately. Ms. Covington said that some of the violations are more acceptable than others, and that, if they are considered as a group, she'd vote, "No," as she doesn't approve of the driveway variation.

Member Crudele said she is struggling with the case, since the Petitioners knew the process but avoided going through it. She said she thought the Board could approve some but not all of the requests. Member Jones said the Board should look at the case "piecemeal," and that he sees the water garden, deck and front yard variations as a "No;" he said he is okay with the pavers going to the walkway to the back and with the kitchen, but is not okay with "how we got here," and will vote with the majority.

Mr. Miller said he is "a 'No' across the board," citing "a dangerous precedent" given the volume of violations. He further said the Petitioner's ignored the Plat of Survey's depiction of non-buildable area. Board Member Panther said he feels the same as Mr. Miller, and that this case presents "too many issues." While he acknowledged the unique lot, he said the Petitioners were aware of this in 2006, so he is not supportive of advancing any of the requests before the Board.

Board Member Whalls said that if the case was to be taken "all or nothing," he'd vote, "No," but thought the Board might "dissect" it. Chairperson Constantino said that if the property owners had come before the Department and Board earlier, he would be more receptive to their plight, noting the irregular lot shape. He said it's bothersome that after their 2006 participation in the process, the Petitioners went forward in a piecemeal fashion without inquiry about permits. Under the circumstances, he concluded that it would be wise to consider the requests separately. Discussion ensued as to which ones are supported.

Member Crudele moved for the following:

Having considered the application of Richard and SuzAnne Cholewinski, owners of the property located at 249 Kenilworth Court, Glen Ellyn, for the following construction necessitated zoning variations: from 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, and from 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, as depicted on the plans presented or revised at the public hearing, the Zoning Board of Appeals hereby adopts the findings of fact in the petitioner's application packet and presented by the petitioner at the Zoning Board of Appeals public hearing conducted on March 8, 2022, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL of the requested zoning variations from the Glen Ellyn Zoning Code due to the unique circumstance: irregular-shaped lot and the unique relationship and orientation of the house and the lot to the cul de sac, subject to the following conditions:

The project shall be constructed in substantial conformance with the plans as submitted and the testimony presented at the March 8, 2022 public hearing of the Zoning Board of Appeals.

Chairperson Constantino moved to amend the motion to recommend the variations to Section 10-4-8(D)(2) and Section 10-5-5(C)(1) to provide that the owner/petitioner will sign a utility easement affidavit acknowledging the fact that the walkway setback is partially located within a utility easement. Seconded by Member Miller, the motion carried unanimously by roll call vote.

Seconded "as stated" by Member Jones, Member Crudele's amended motion subsequently passed by roll call vote, with Members Crudele, Jones, Covington and Whalls and Chairperson Constantino voting, "YES," and Members Miller and Panther voting, "NO."

Board Member Miller moved for the following:

Having considered the application of Richard and SuzAnne Cholewinski, owners of the property located at 249 Kenilworth Court, Glen Ellyn, for construction necessitated zoning variations from 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; 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; from 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, as depicted on the plans presented or revised at the public hearing, the Zoning Board of Appeals hereby recommends DENIAL of the requested zoning variations from the Glen Ellyn Zoning Code based upon the following findings of fact: that the plight of the homeowners is not due to a unique circumstance or particular hardship and that the particular situation has been created by persons presently having interest in the property.

Seconded by Member Panther, the motion passed by roll call vote, with all Members Miller, Panther, Jones, Crudele, Covington and Whalls voting, "YES" and Chairperson Constantino voting "NO."

Staff Report

Planner Fard related that the next ZBA meeting might feature a construction necessitated variation case, but that a zoning variation looks to be a go.

Trustee's Report

Kelli Christiansen said about 150 people showed up at the public meeting held Monday to discuss the hotel site. She said speakers were split half and half with some wanting attainable housing (most in favor of "supportive" housing), and folks who would like the spot to remain commercial. More such events are planned, she said, adding that the consultant noted a desire for five options, and further comments are

sought. A streetscape meeting was held tonight, she said, and she announced that DEI training is to be conducted. She indicated that she advocates fines to curb constructed necessitated zoning variations.

Adjournment

Chairperson Constantino adjourned the meeting at 10:37 p.m., followed by a motion to adjourn made by Member Jones, seconded by Member Whalls and, due to the late hour, endorsed heartily by ZBA Members.

Respectfully submitted,

Barbara Dutton-Thomas

Recording Secretary



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

Meeting 4/12/2022 7:00 PM
Department: Community Development
Department Head: Staci Springer
Category: Public Hearing
Prepared By: Atrin Fard, Kelly Purvis

**AGENDA ITEM (ID
2022-2059)**

DOC ID: 2022-2059

265 Bryant Avenue

Chris and Morgan Sweet, owners of the property at 265 Bryant Ave. are requesting a variation from the Zoning Code to construct a two-story single-family home with a building ridge height of 35'6" and eave height of 26'6", where the maximum building height is 32' to the top of the ridge and 22' to the bottom of the highest eave.

Statement of the Issue:

Please see attached.

Analysis:

Please see attached.

Budget Impact:

Please see attached.

Action Requested:

Please see attached.

Attachments:

1. Staff Report
2. 1. Aerial Map
3. 2. Zoning and Location Map
4. 3. 1' Contour Map
5. 4. Petitioners' Application Packet Dated February 24, 2022
6. 5. Plat of Survey - Includes Demolished Home
7. 6. Site Plans
8. 7. Proposed Engineering
9. 8. Demolition Plan 2019
10. 9. Height Certification
11. 10. 1 and 2 Family Worksheet
12. 11. Public Hearing Notice 265 Bryant
13. 12. Location Map for Public Hearing Notice
14. 13. Mailing List for Public Hearing Notice

15. 14. Certificate of Publication

STAFF REPORT

TO: The Zoning Board of Appeals

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

DATE: March 22, 2022

SUBJECT: April 12, 2022 Zoning Board of Appeals Meeting
Public Hearing – Zoning Variation for construction of a new single-family residence that exceeds the building ridge height and eave height maximums on the property at 265 Bryant Ave.

PETITIONERS: The petitioners are Chris and Morgan Sweet, owners of the property at 265 Bryant Ave.

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

1. Section 10-4-8-(F) to allow new construction of a two-story single-family home with a building ridge height of 35'6" and an eave height of 26'6", where the maximum building height in the R2 Residential Zoning District for a 55'-wide lot is 32' to the top of the ridge and 22' to the bottom of the highest eave; and
2. Any other zoning relief necessary to allow the home to be constructed as depicted on the plans presented at the public hearing or at a public meeting of the Village Board.

ZONING/ USE: The property is an interior lot located in the R2 Residential Zoning District on the east side of Bryant Avenue just south of Highview 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 March 25, 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:

<u>Date</u>	<u>Ord. No.</u>	<u>Type</u>
1971	1697	Permitted the division of property into 2 single- family lots

PERMIT HISTORY: Village records indicate the following permits were issued for this

property:

<u>Date</u>	<u>Permit No.</u>	<u>Type</u>
2019	0321	Demolition Permit
1998	B18133	Fence
1992	B-13082	Electrical
1984	B8019	Electrical
1976	B4063	Gazebo
1926	X-240	One-Story Residence

PROJECT SUMMARY:

The petitioner is proposing to construct a new single-family home on the property located at 265 Bryant Avenue. The proposed building ridge height would be 35'6" and proposed eave height is 26'6", where the maximum permitted building height in the R2 district for a 55'-wide lot is 32' to the top of the ridge and 22' to the bottom of the eave. This variation request to exceed the maximum ridge and eave height requirements is due to the fact that the slope from the sidewalk to the rear property line (a distance of 167') is approximately 14'. The petitioner's architect determined in reviewing options for the new home that a detached garage would pose safety issues due to how the steep the slope of the driveway would be. The extreme slope of the property creates a hardship for the petitioner as they must provide a front-load attached garage. This home would have an average existing grade that is 5.65' below the grade at the garage doors. The petitioners note in their application that most homes in the zoning district may have an average existing grade about 2' below the front grade. The garage doors for the new would be set at the minimum slope up from the sidewalk level so that positive drainage can be achieved away from the garage, reducing the risk of flooding during heavy rains. The previous home on the property did not have a garage, only a parking pad.

The home is designed so that the back portion of the house does not utilize the top story for living space in order to step down the volume, and to have it not appear to be 3 stories from the rear of the home. The 3-bedroom home will be approximately 2,250 square feet which the petitioners note in their application as "rather modest". The petitioners have indicated that the proposed home would meet all other requirements of the Zoning Code and that the variation is not requested to maximize the buildable area on the lot, but rather to establish positive drainage away from the garage doors.

Staff have received no letters from neighbors in opposition to or in support of the granting of the variations.

In order to construct the home as proposed, the petitioner would need to be granted variations from the Zoning Code to allow a building ridge and eave height above the permitted maximum for the district.

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.

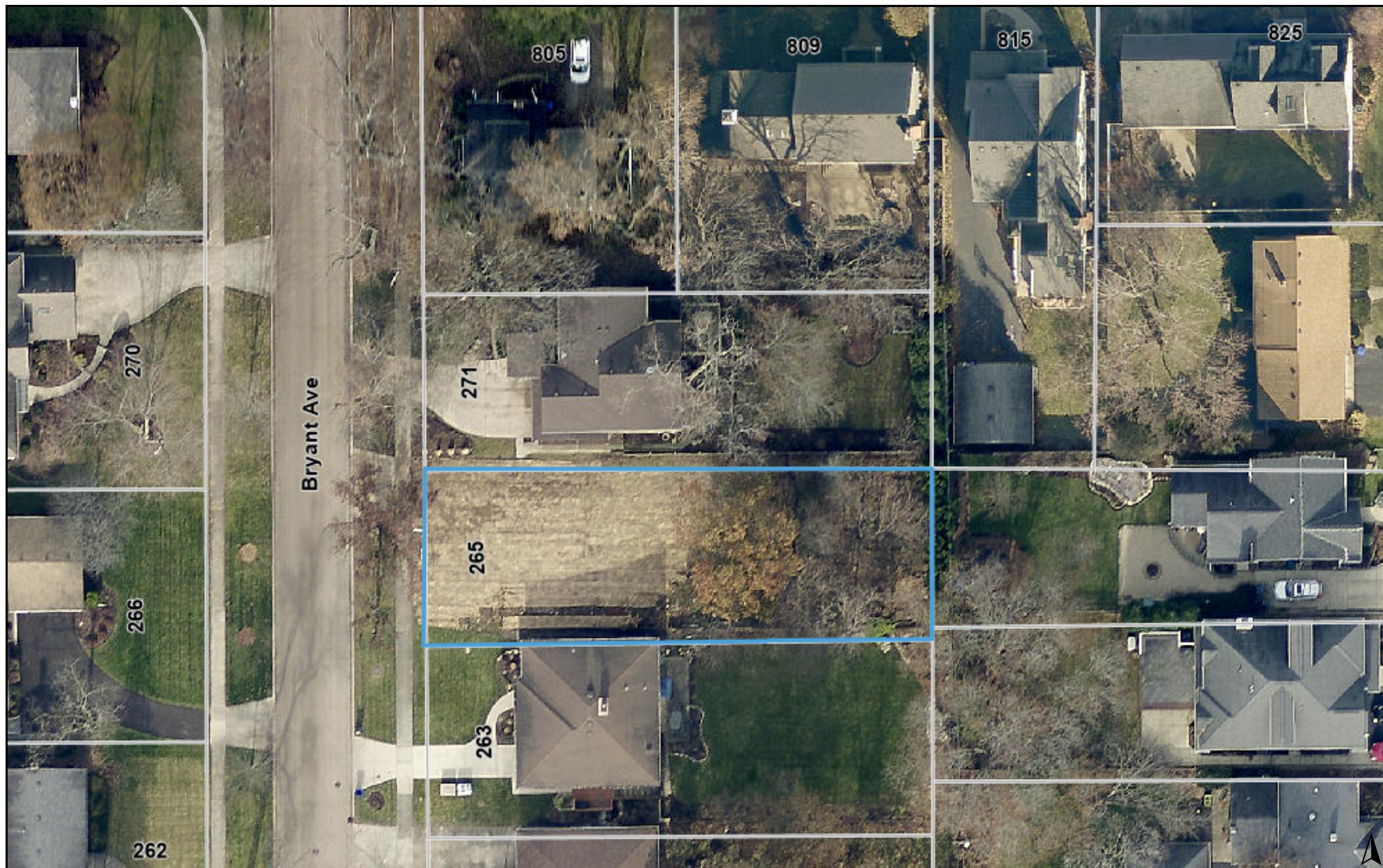
The ZBA may choose to make a recommendation to the Village Board for the approval, approval with conditions or denial of the variations to allow construction of the proposed single-family home in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code.

ATTACHMENTS:

1. Aerial Photograph of site and surrounding properties
2. Zoning and Location Map
3. 1' Contour Map
4. Petitioners' Application Packet Dated February 24, 2022
5. Plat of Survey – Includes Previous Home on Property
6. Site Plans
7. Proposed Engineering
8. Demolition Plan, 2019
9. Height Certification
10. 1 and 2 Family Worksheet
11. Public Hearing Notice
12. Location Map for Public Hearing Notice
13. Mailing List for Public Hearing Notice
14. Certificate of Publication

cc: Staci Springer, Director of Community Development
Kelly Purvis, Planning Manager
Atrin Fard, Planner
Paula Moritz, Plan Reviewer
Chris and Morgan Sweet, Property Owner
Steven Poteracki, Architect

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Print Date: 3/22/2022

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

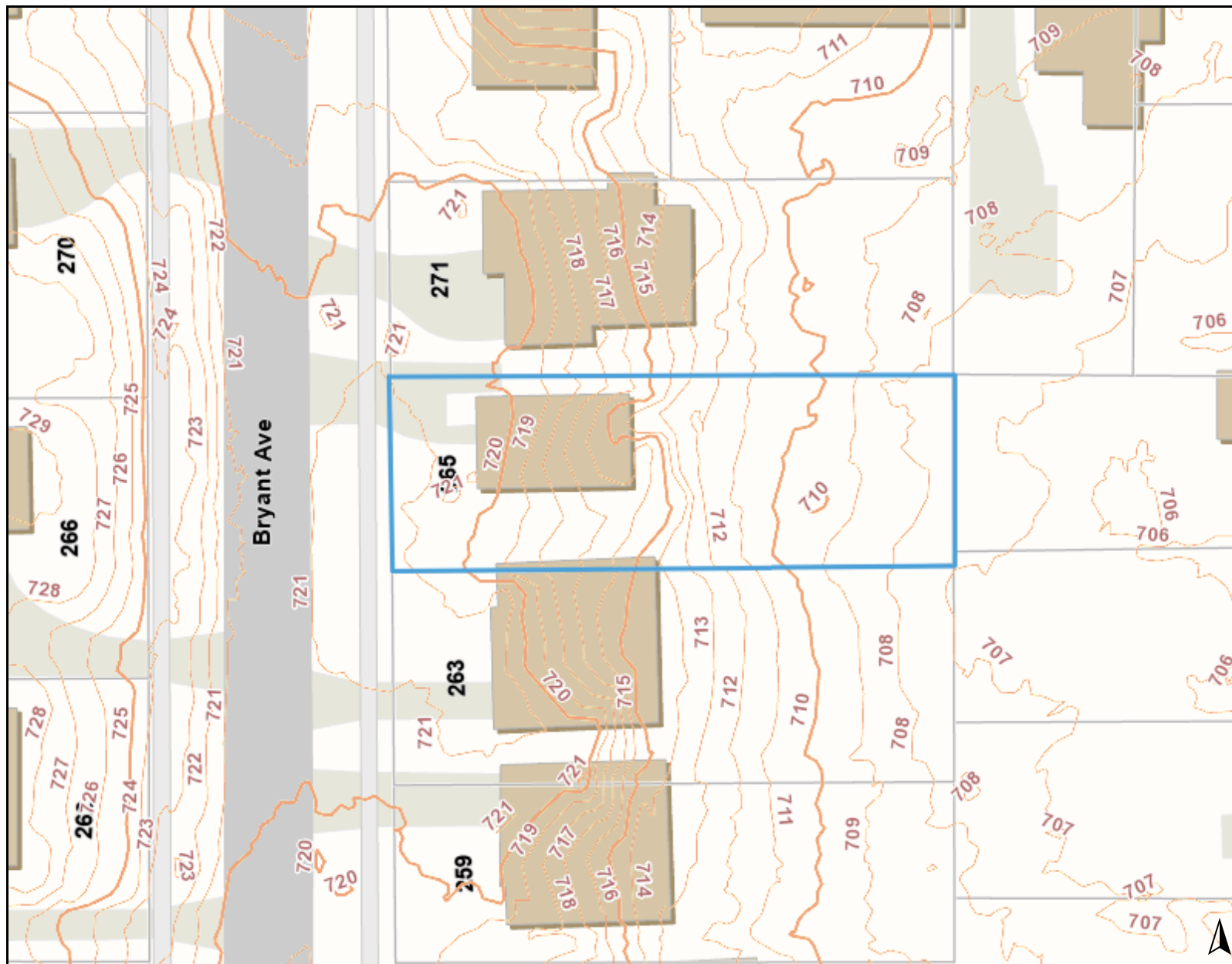
 R2: Single Family Residential District

Print Date: 3/18/2022

Notes

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GIS Consortium | 265 Bryant 1' Contour Map



Legend

DuPage County

DuPage County 1' 2017 Contours

- Contour Line, Intermediate
- Contour Line, Major

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Print Date: 3/18/2022

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.

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: 265 Bryant ave.

Permanent tax index number: 05-13-107-044

Legal description:

See attached plan of survey

Zoning classification: R-2

Lot size: 55 ft. x 167 ft. Area: 9185 sq. ft.

Present use:

Currently vacant -
Previousl single family residentail before home was remvoed about 2 years ago

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):

Variation #1 - Section 10-4-8(F)
(1) We are requesting a variation from the required building height as it relates to the average existing grade. The requiried building heights in the R-2 district for a lot width of 55' is 32' to the ridge and 22' to the eave. The proposed ridge height is 35'-6" and the proposed eave height is 26'-6". The average existing grade is located 5.65' below the propsoed grade at the garage doors.

Summer 2022

Estimated date to begin construction: _____

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

Studio I Architects (Steven Poteracki) 1105 Burlington ave. Western Springs IL 60558
Taurus Engineering (Ray Ulreich) 5N557 Rt. 59 Bartlett IL 60103

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

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

A. Standards Applicable to All Variations Requested:

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

The subject property is a typical infill lot that has a slope from sidewalk level to rear property line of approximately 14'-0" in a distance of 167.0'. There was an existing home on the lot previously that was removed around the middle of 2019. The extreme slope to the property is an unusual topography for the town and it creates a hardship as it relates to average existing grade. As calculated by our engineer the average existing grade is 5.65' below the proposed elevation of the garage floor.

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):

OR

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

The owners have not created the circumstances in which the lot slope is so extremely to the rear property line. We are trying to build a modest sized 3 bedroom home on the property which has been for sale since 2013.

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 essential character of the property has been single family residential and will remain that way with the new home. See attached architectural drawings.

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

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

The topography does bring a hardship to the property. Utilizing the home to have a front load garage provides the safest solution for parking. The previous owner prior to tearing down the home did not have a garage, just a parking pad. Reviewing options we determined that utilizing the rear yard for a detached garage poses issues with steep grade and slope on the driveway that is dangerous.

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:

The specifics of this lot in relation to the extreme slope does not occur generally to other properties in the same zoning district.

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

The owners desire is to build a home and to live in the home for many many years so they can raise their family and be close to friends.

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

The property has always had an extreme slope to it and the owners purchased it as it is. the owners did not create the topography of the lot.

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 owners are working with licensed professionals to ensure that the proposed home will not be detrimental to the public welfare or injurious to other properties or improvements in the neighborhood.

6. Provide evidence that the proposed variation will not:

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

No impairment of light or air is expected. The proposed home will adhere to all side, front and rear yard setback requirements.

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

No increase in hazard from fire or other dangers are expected.

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

No impairments are expected due to the new home being built.

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

Based on the existing condition of no home on the lot, the new home should actually increase property values in the neighborhood.

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

No increase is expected.

- f. Create a nuisance; or

No nuisance is expected with the new home.

- g. Results in an increase in public expenditures.

No increase in public expenditures are expected.

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

The owners feel this is a reasonable variation in respect to the extreme slope of the land from the front side walk to the back property line of approximately 14'-0". Most homes generally in this zoning district may have an average existing grade that is about 2'-0" below the front grade. This home has an average existing grade that is 5'-7 3/4" below the grade at the garage doors. The garage doors are at the minimum slope up from the side walk level so that positive drainage can be achieved away from the garage. All existing slope will be maintained to drain per village code. The home is designed so that the back portion is not utilizing the upper floor for living space so that we could step the volumes down and not have a 3-story looking elevation at the rear of the home.

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

The property owners will raise their family here once the construction is completed. The home is not designed to be maximized in square footage but rather modest in finished square footage of approximately 2,250 square feet. The adjoining neighbors are excited to see something be built in and have neighbors.

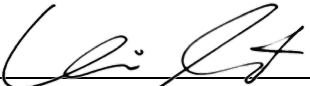
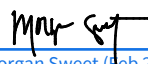
VI. CERTIFICATIONS, CONSENT AND SIGNATURE(S)

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>02.24.22</u>	<u>Chris Sweet</u>	<u></u>
Date	Print Name	Signature of Applicant
<u>02.24.22</u>	<u>Morgan Sweet</u>	<u> Morgan Sweet (Feb 24, 2022 11:23 CST)</u>
Date	Print Name	Signature of Applicant
<u> </u>	<u> </u>	<u> </u>
Date	Print Name	Signature of Applicant

SURVEY OF

LOT 1 IN SHELTON'S DIVISION OF THE SOUTH 110 FEET OF THE NORTH 205 FEET (SOUTH OF THE SOUTH LINE OF HIGHVIEW AVENUE) OF THE EAST 167 FEET OF THE WEST 200 FEET OF LOT 18 IN J. R. SMITH'S ADDITION TO GLEN ELLYN, A SUB-DIVISION IN SECTIONS 12 AND 13, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID SHELTON'S DIVISION RECORDED FEBRUARY 24, 1971 AS DOCUMENT R71-6791, IN DU PAGE COUNTY, ILLINOIS.

HIGHVIEW AVE.

AVE.

66'

BRYANT

21 FT. BLACKET

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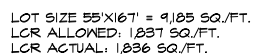
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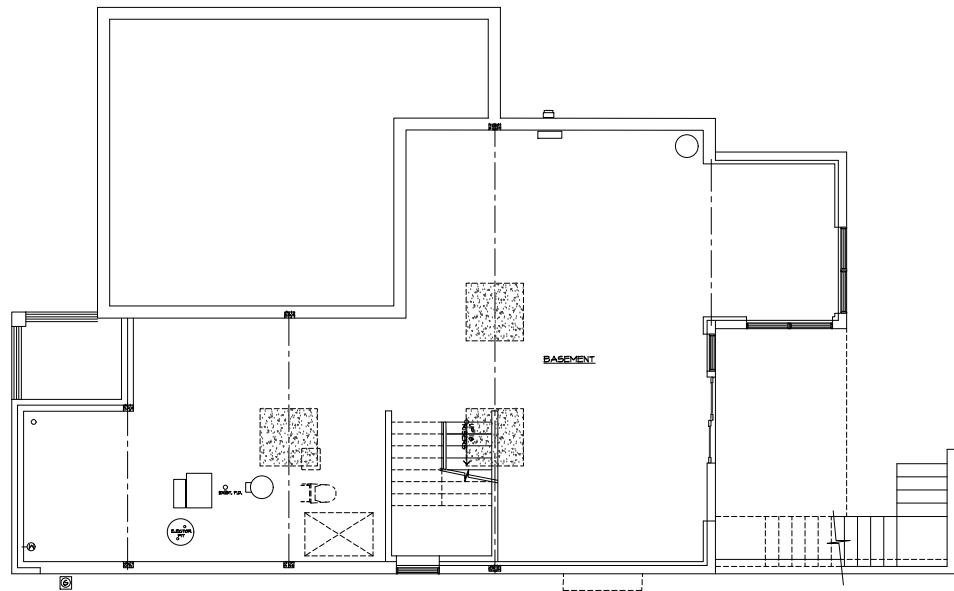
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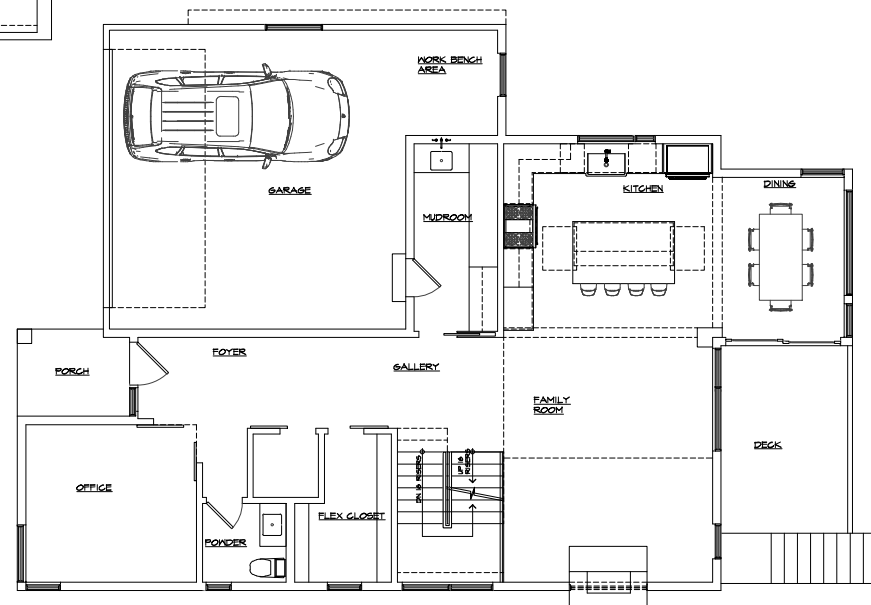
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FOUNDATION PLAN



FIRST FLOOR PLAN

STUDIO 1
ARCHITECTS

1105 Burlington Avenue
Western Springs, IL
708.783.1124

studio1architects.com

THE SWEET RESIDENCE
265 BRYANT AVE. GLEN ELLYN, ILLINOIS

ILLINOIS LICENSE # 00015181
EXPIRATION: 1-30-22
PROFESSIONAL DESIGN FIRM # A
REGISTERED
EXPIRATION: 04-30-28
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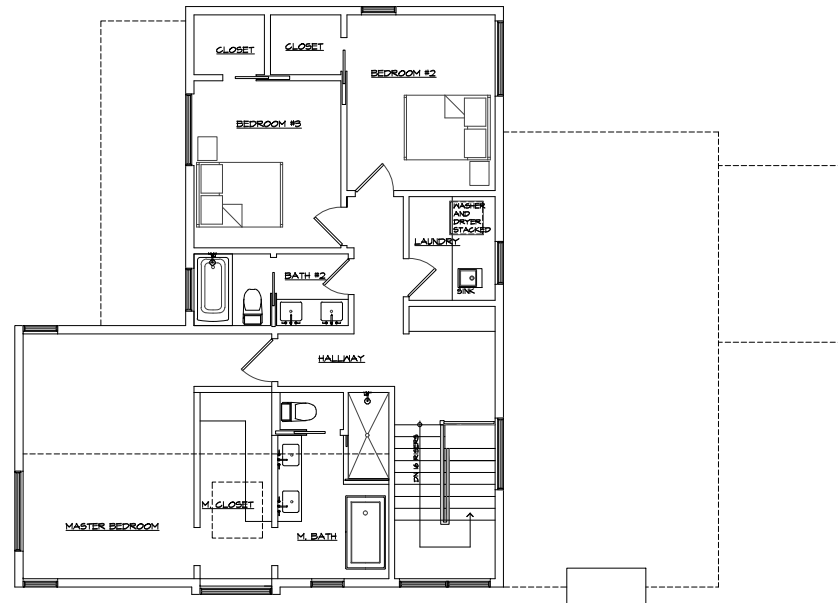
ISSUED FOR	REVISION
DATE	MARCH 03, 2022
REVISIONS	

PROJECT NUMBER	21094
SHEET NO.	

V.2

2 OF 3

THE SWEET RESIDENCE
265 BRYANT AVE. GLEN ELLYN, ILLINOIS



▲ SECOND FLOOR PLAN

ILLINOIS LICENSE # 00015181
EXPIRATION: 1-30-23
PROFESSIONAL DESIGN FIRM # A
EXPIRATION: 04-30-28

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ISSUED FOR: VARIATION
DATE: MARCH 03, 2022
REVISIONS:

PROJECT NUMBER: 21094
SHEET NO.:

V.3

STUDIO 1
ARCHITECTS

1105 Burlington Avenue
Western Springs, IL

708.783.1124

studio1architects.com

THE SWEET RESIDENCE
265 BRYANT AVE. GLEN ELLYN, ILLINOIS

ILLINOIS LICENSE #. 00101871
EXPIRATION: 11-30-22
PROFESSIONAL DESIGN FIRM #.
04-204421
EXPIRATION: 04-30-23
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ISSUED FOR
DATE
REVISIONS

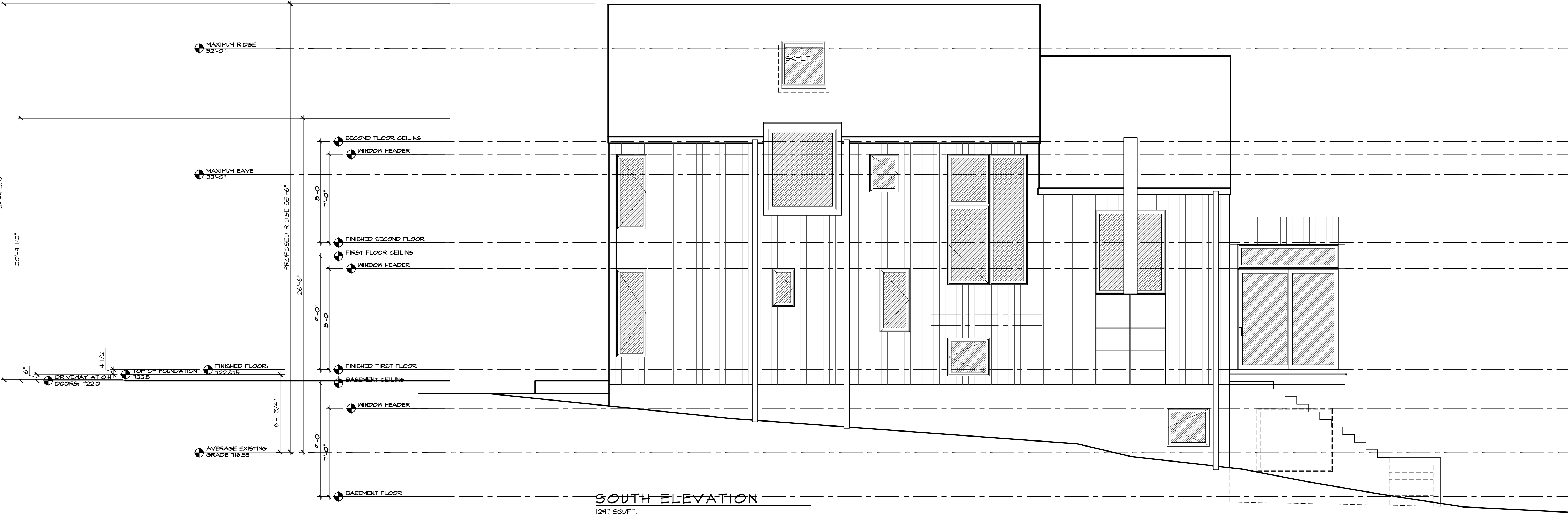
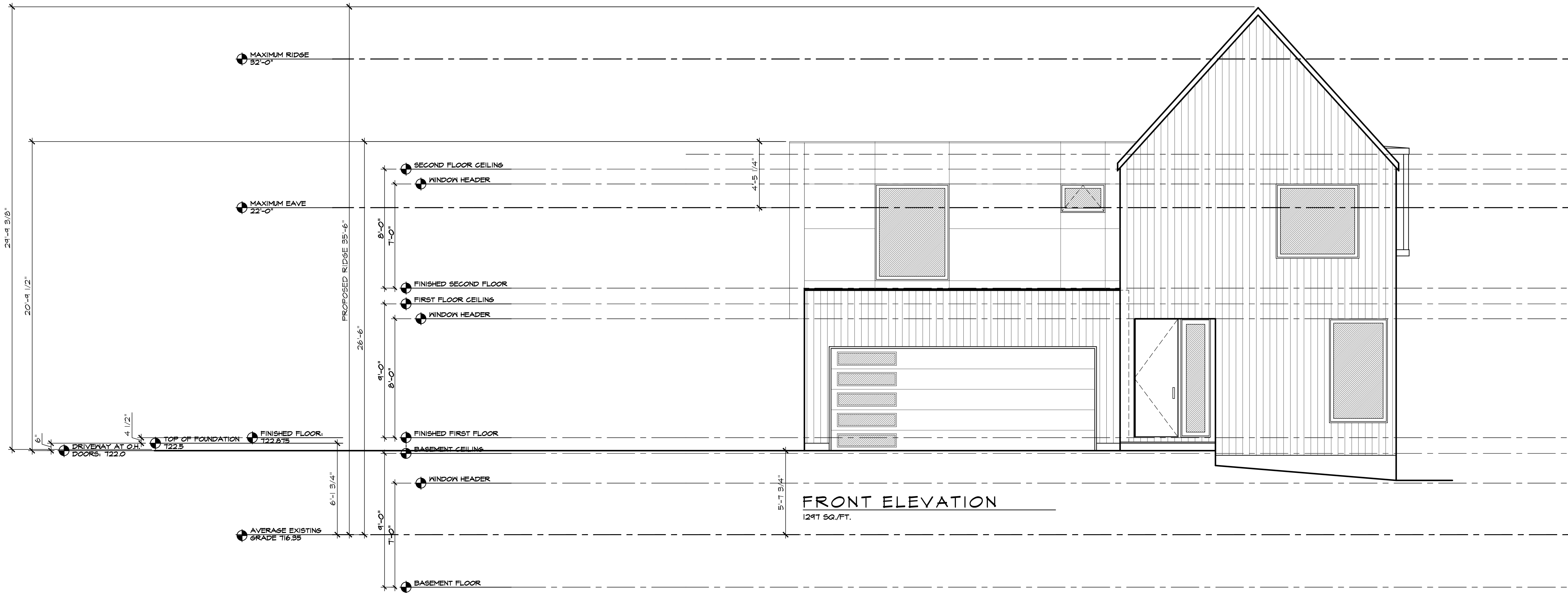
VARIATION
MARCH 01, 2022

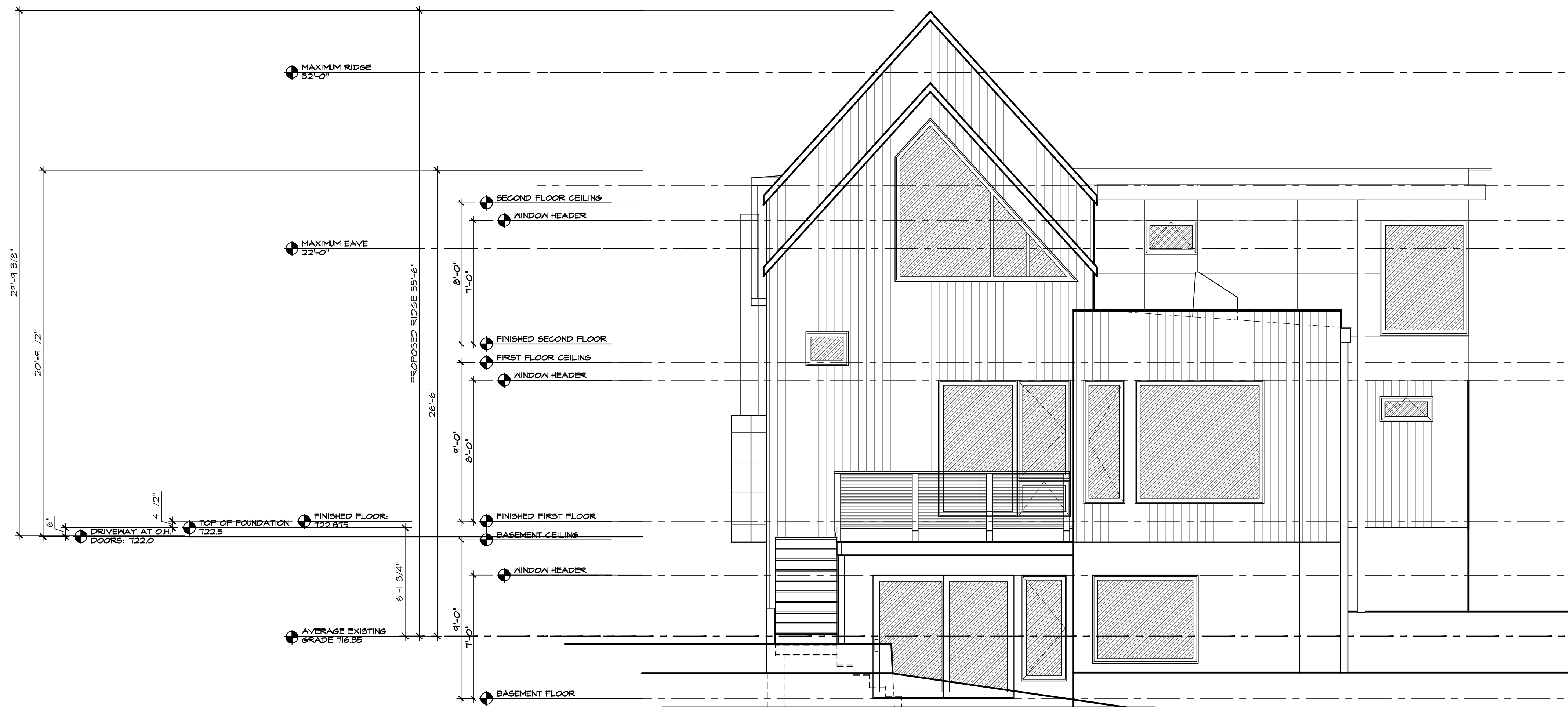
PROJECT NUMBER
SHEET NO.

211594
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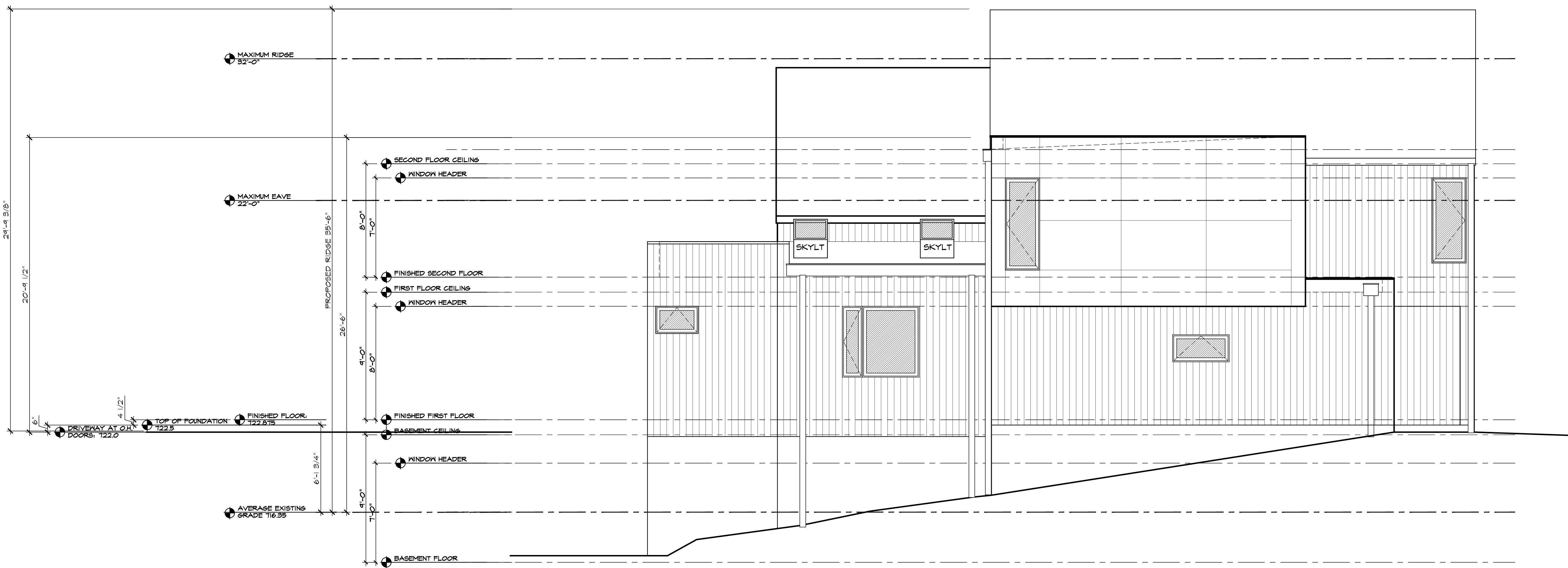
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REAR ELEVATION

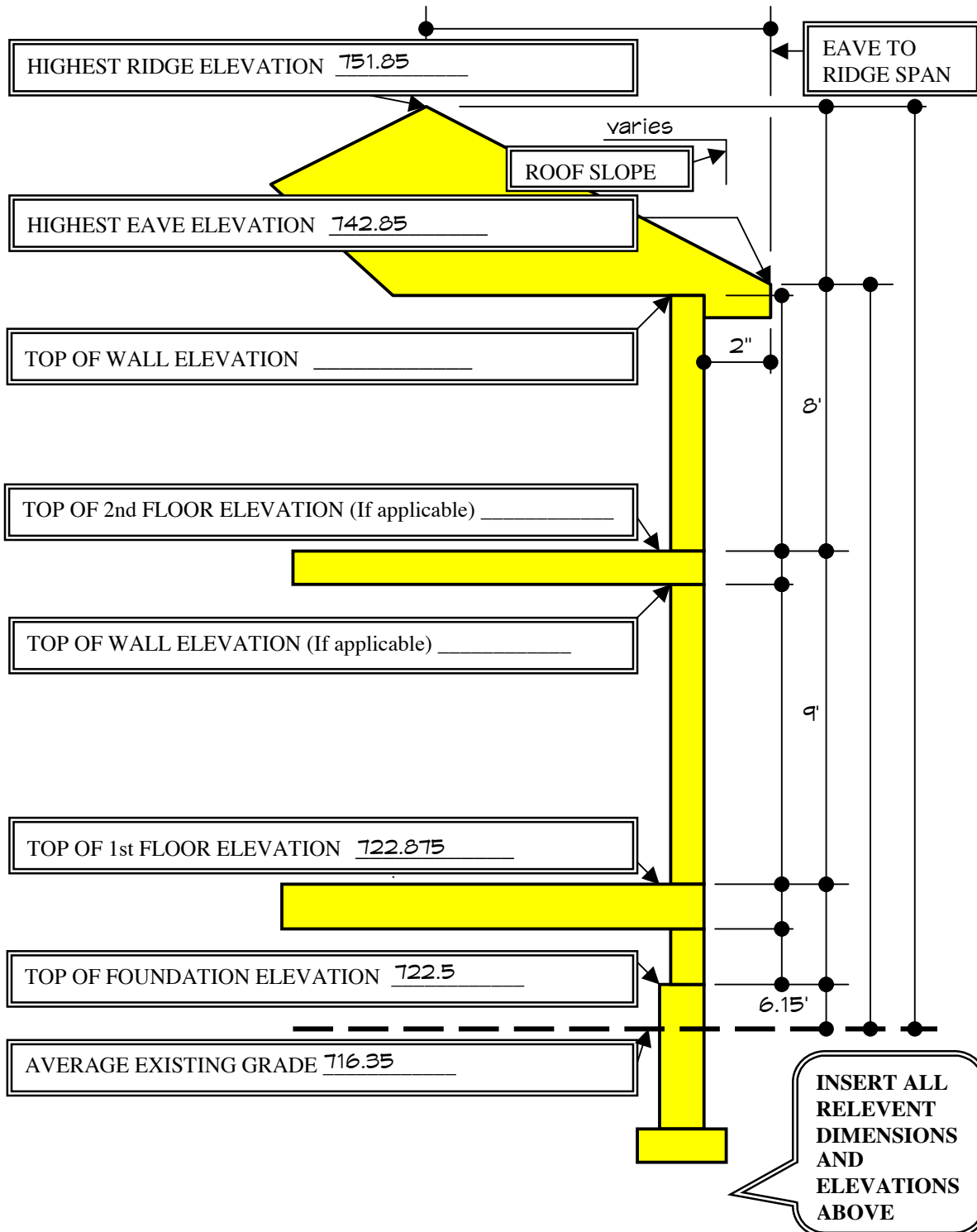


NORTH ELEVATION

Certificate of Building Height Compliance

(Street Address) 265 Bryant

I certify, to the best of my knowledge, that the completed diagram on this form depicts the actual design intent of the proposed structure. Prior to commencing construction, the Village must approve any changes from the proposed design. Changes without prior approval will result in a Stop Work Order.



Architect's Signature [Signature] Print Name Steven Poteracki (studio 1 Architects)

Village of Glen Ellyn

1&2 - Family Dwelling Building & Zoning Worksheet

CLEAR PAGE



1. **Property Address:** 265 Bryant Zoning District: R-2
Describe the Project: New Single family residential

2. **Lot Coverage Ratio (LCR):** District Maximum **R0, R1, R2, R3** = 20% for 2-story or 35% for 1-story structures.
All roofed over areas of the principal and accessory structures on the zoning lot must be included unless the area of a detached garage or open front porch is excluded by exception in Zoning Code Chapter 4 District Regulations. Lot coverage area calculations:

Existing	<u>0</u>	sq ft + New	<u>1836</u>	sq ft - Garage	<u>0</u>	sq ft - Porch	<u>0</u>	sq ft = Total	<u>1836</u>	sq ft
Total lot coverage area	<u>1836</u>	sq ft ÷ lot area	<u>9185</u>	sq ft x 100 =	<u>19.989</u>	% LCR				

3. **Front Yard Setback:** District Minimums: **R0** = 50 ft, **R1** = 40 ft, **R2** = 30 ft
Min. required front yard setback: no closer than the closest enclosed portion of the principal structure on either adjacent lot

1. Address (Left Side)	Existing Setback:	<u>29.74</u>	ft
2. Address (Right Side)	Existing Setback:	<u>33.68</u>	ft
		<u>29.74</u>	ft
Required Front Yard Setback (lesser of number 1 or 2 above – 50 ft maximum)			ft
Front Yard Setback (existing structure):	<u>0</u>	ft Proposed Front Yard Setback:	<u>30.25'</u>
Permitted Open Front Porch Setback (Required Front Yard setback from above x 0.75) =			ft
Proposed Open Front Porch Setback:			ft

4. **Side Yard Setback:** District Minimums: **R0**=15% of lot width, **R1**=10% of lot width, **R2**=Greater of 6.5 ft or 10% of lot width

Lot width	<u>55.0'</u>	ft x 0.1 for R1 and R2 ; or x .15 for R0 =	<u>6.5'</u>	ft		
Interior Side Yard Setback (existing structure):	Left:	<u>7'-1"</u>	ft	Right:	<u>7'-1"</u>	ft
Proposed Interior Side Yard Setback:	Left:		ft	Right:		ft

5. **Corner Side Yard Setback:** District Minimums: **R0** = 40 ft, **R1** = 40 ft, **R2** = 30 ft
Corner Side Yard Setback (existing structure): _____ ft Proposed Corner Side Yard Setback: _____ ft
Corner Side Yard Setback for lots less than 80 feet wide in the R2 District complete this section below:
Lot width _____ x .30 = _____ ft Minimum allowable corner side yard setback
Permitted Open Porch Setback (Required Corner Side Yard Setback from above) x 0.75 _____ ft
Proposed Open Porch Setback: _____ ft

6. **Rear Yard Setback:** Minimums: **R0** = 60 ft, **R1** = 50 ft, **R2** = 40 ft
Rear Yard setback (existing structure): 0 ft
Proposed Rear Yard setback: 78'-5" ft

7. **Impervious Surface Setback:** Minimum based on lot width = 2% (<66'), 3% (66'-<90'), 4% (90'-100'), 5% (>100')

Lot Width	<u>55.0'</u>	x	<u>2%</u>	Percentage Required =	<u>1.1'</u>	Required Setback (ft)
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8. **Building Height:** The maximum eave and ridge heights and permitted height bonuses are specified in Zoning Code Section 10-4-8(F)1. Roof height is determined at the highest eave and at the highest ridge from average existing grade at four (4) corners where an imaginary line parallel to the front and rear yard setback lines and touching the proposed structure intersects the required side yard setback lines. Grade elevations at all four points shall be shown on Plat of Survey/Site Development Plan.

A. Front Left Point Grade Elevation:

720.4

B. Front Right Point Grade Elevation:

720.0

C. Rear Left Point Grade Elevation:

712.5

D. Rear Right Point Grade Elevation:

712.5

Grade Elevation Total (A + B + C + D) =

716.35

÷ 4 =

Average existing grade

Max Ridge Height

32'-0"

ft + Porch Bonus or Setback Bonus

ft = Permitted Ridge Height

748.35

ft

Max Eave Height

22'-0"

ft + Setback Bonus

0

ft = Permitted Eave Height

738.35'

ft

Proposed Heights Measured From Average Existing Grade:

Top of Foundation

722.5

ft

Highest Eave

742.85

ft

Highest Ridge

751.85

ft

9. **Building Classification:**

Any change to an existing building is assigned a classification based on a new use or the proposed work. Village Code 4-1-10 (D) requires certain building improvements be completed for each classification.

- A. **Alteration:** Any change to the exterior structure or part thereof (excluding exterior finishes) of a building.
Walls: the square footage of all outside wall surfaces from a point 8" above the adjacent grade to the soffit or eave.
Roof: the square footage of the horizontal plane(s) formed by the outside top edge of the perimeter walls.

Existing Roof Area:

sq ft + Existing Wall Area:

sq ft = Total Exterior Surface

sq ft

Area of Roof Altered:

sq ft + Area of Walls Altered:

sq ft = Total Area Altered

sq ft

Total Area Altered:

sq ft ÷ Total Exterior Surface:

sq ft x 100 =

%

Alteration Classifications: (circle one) Class I = Under 50%, Class II = 50% - 75%, Class III = above 75%

- B. **Addition:** Any change to a structure or part thereof that increases the finished floor area of the building

Floor Area of Addition:

sq ft ÷ Floor Area of Existing Building:

sq ft x 100 =

%

Addition Classifications: (circle one) Class I = Under 75%, Class II = 75% - 150%, Class III = above 150%

- C. **Remodeling:** Any change to the interior or part thereof of a building. The hard cost is the total value of interior improvements (except interior finishes and fixtures). Remodeling Classifications: (circle one)

Class I = under \$15,000 hard cost Class II = \$15,000-\$200,000 hard cost Class III = over \$200,000 hard cost

- D. **Change of Use:** Any change in the purpose or activity within a building or part thereof. See Village Code 4-1-10 (E) Hazard Index Table for index number. Change of Use Classifications: (circle one)

Class I = 0 to 1 increase in index number Class II = 2 or more increase in index number

I do certify that to the best of my knowledge and belief, the Zoning worksheet has been completed substantially in accordance with the building plans. I further agree that if this certification is in error, the permit issued and erection commenced on the strength of said certification, that I will assume full responsibility for any and all changes in the exterior shape and/or design of said residence required to make it comply with the Village of Glen Ellyn Zoning Ordinances.


Authorized Agent (Signature)

Steven K Poteracki
Print Name

03-01-22
Date



NOTICE OF PUBLIC HEARING

Chris and Morgan Sweet, owners of the property located at 265 Bryant Avenue, are requesting a variation from Section 10-4-8(F) of the Glen Ellyn Zoning Code, to allow new construction of a two-story single-family home with a building ridge height of 35'6" and eave height of 26'6", where the maximum building height in the R2 district for a 55'-wide lot is 32' to the top of the ridge and 22' to the bottom of the highest eave.

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, April 12, 2022 at 7:00 p.m.** in the Galligan Board Room on the 3rd floor of the Glen Ellyn Civic Center, 535 Duane Street, Glen Ellyn, Illinois, 60137.

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

LOT 2 IN SHELTON'S DIVISION OF THE SOUTH 110 FEET OF THE NORTH 205 FEET (SOUTH OF THE SOUTH LINE OF HIGHVIEW AVENUE) OF THE EAST 167 FEET OF THE WEST 200 FEET OF LOT 18 IN J.R. SMITH'S ADDITION TO GLEN ELLYN, A SUBDIVISION IN SECTIONS 12 AND 13, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID SHELTON'S DIVISION RECORDED FEBRUARY 12, 1971 AS DOCUMENT R71-6791, IN DU PAGE COUNTY, ILLINOIS.

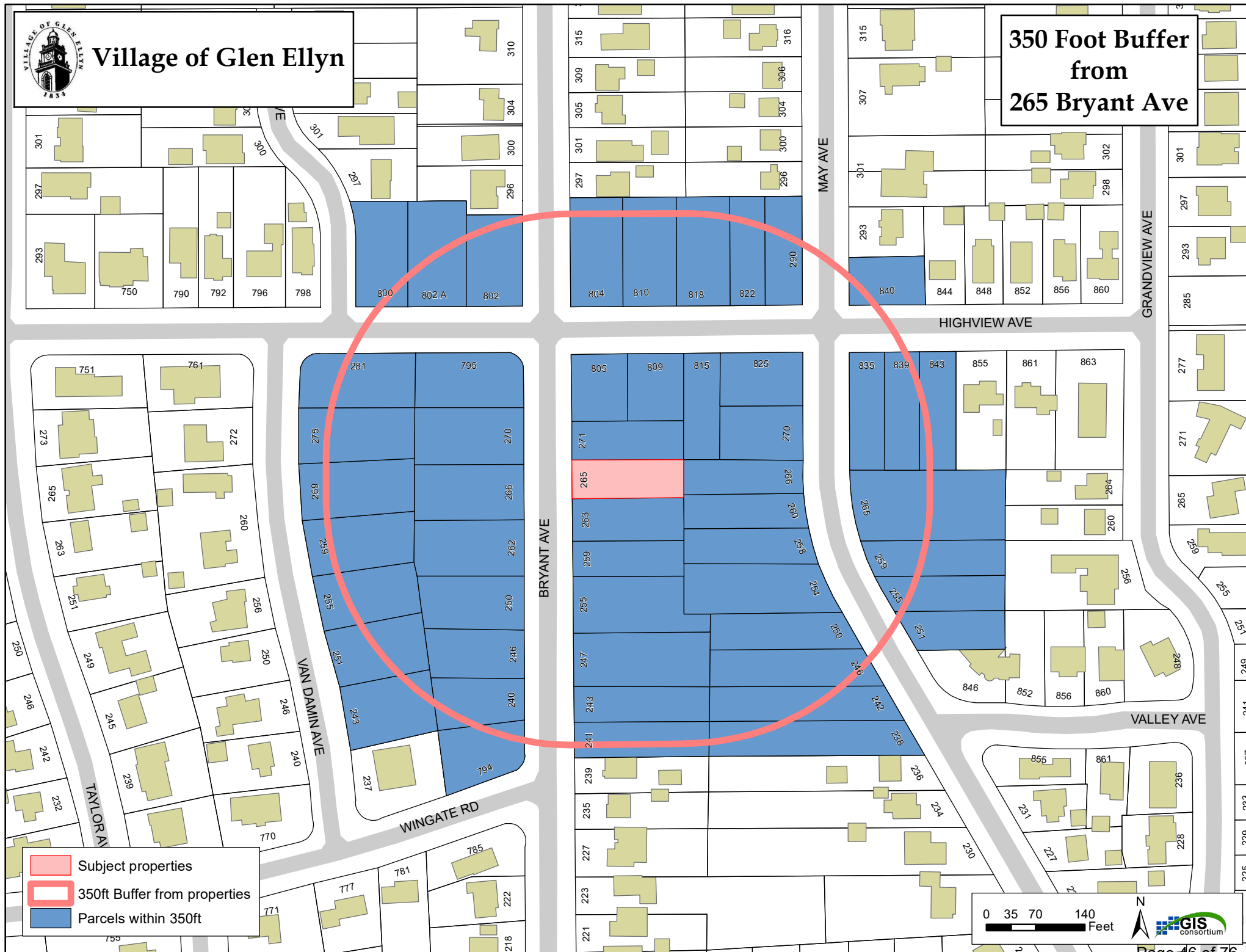
P.I.N.: 05-13-107-044

All persons in the Village of Glen Ellyn who are interested are invited to attend the public hearing to listen and be heard. 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, April 8, 2022. Questions related to the request should be directed to Taylor Gendel, Associate Planner, at (630) 547-5246.

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



**350 Foot Buffer
from
265 Bryant Ave**



BILLNAME	Proper Name	BILLSTNUM	BILLSTDIR
BALTIMORE, DARRYL & JODI	Baltimore, Darryl & Jodi	259	
BLADEL, DEAN E	Bladel, Dean E	271	
BOONSTRA JR, PETER & E	Boonstra Jr, Peter & E	794	
BRAY, KENNETH T & D A	Bray, Kenneth T & D A	266	
CARLSON, BRADLEY A	Carlson, Bradley A	822	
CONDON, JOHN & JILLIAN	Condon, John & Jillian	243	
CRAGG, RYAN & STACIE	Cragg, Ryan & Stacie	259	
CROOKER, JAMES	Crooker, James	805	
DOHRER, THOMAS	Dohrer, Thomas	260	
E REALTY & DEVLPMT LLC	E Realty & Devlpmt Llc	20817	N
EVENHOUSE, KEVIN & J	Evenhouse, Kevin & J	238	
FREEMAN, BARRY D & JODY A	Freeman, Barry D & Jody A	846	
GOKHALE, SAGAR & MORRIS C	Gokhale, Sagar & Morris C	270	
HAGGERTY, PAULA	Haggerty, Paula	840	
HESS, STEPHEN & AMY	Hess, Stephen & Amy	265	
HOJNICKI, MARK & JENNA	Hojnicki, Mark & Jenna	269	
HOOPER, ROBERT B	Hooper, Robert B	290	
KNAPKE, NORBERT & MOLLY	Knapke, Norbert & Molly	839	
LAUBINGER, JAMES & KIMBER	Laubinger, James & Kimber	255	
MARTIN, PATRICK & CAITLIN	Martin, Patrick & Caitlin	254	
MC GRATH, MICHAEL	Mc Grath, Michael	815	
MCNEILL, RYAN & JENNIFER	Mcneill, Ryan & Jennifer	246	
MESCH, JAMES A	Mesch, James A	246	
MEYER, MICHAEL & ANNE	Meyer, Michael & Anne	255	
MILLER, WILLIAM & DIANE	Miller, William & Diane	242	
NORVID, STEVEN & JENNIFER	Norvid, Steven & Jennifer	240	
O KEEFE, CHRISTOPHER	O Keefe, Christopher	810	
OMET, BENJAMIN & ELIZABETH	Omet, Benjamin & Elizabeth	250	
PARADNYTE, JOLITA	Paradnyte, Jolita	835	
PASSI JR, CARMEN & M TR	Passi Jr, Carmen & M Tr	795	
PAYNE, MATTHEW & JESSICA	Payne, Matthew & Jessica	802A	
PETERSON, K & J MICHAELS	Peterson, K & J Michaels	247	
PISCOPO, PHILIP J	Piscopo, Philip J	281	
RADIGAN, LAURA	Radigan, Laura	241	
RIESMEYER, MARK & KATIE	Riesmeyer, Mark & Katie	250	
ROBERTS, ROBT & ELIZABETH	Roberts, Robt & Elizabeth	243	
ROBERTS, SHAWN & COURTNEY	Roberts, Shawn & Courtney	275	
ROWLAND, PHILIP H	Rowland, Philip H	270	
SALZMANN, THOMAS A	Salzmann, Thomas A	266	
SCHERER, ANDREW ETAL	Scherer, Andrew Etal	259	
SCHIELD, M & CHRIS MAYER	Schild, M & Chris Mayer	825	
SHAW, DOUGLAS K	Shaw, Douglas K	802	
SORENSEN, CHRIS H	Sorensen, Chris H	800	
SOTTREL, ANTOINETTE	Sottrel, Antoinette	818	
STEFAN, STEPHEN & N	Stefan, Stephen & N	263	
TURK, PETER & JULIANNE	Turk, Peter & Julianne	809	
VOITIK, DANIEL	Voitik, Daniel	251	
WATSON, WILLIAM R & EMILY	Watson, William R & Emily	804	
WINKELHAKE, REX D	Winkelhake, Rex D	262	
WOTRING, KATHLEEN M	Wotring, Kathleen M	255	
YARINA, BRENT & MARTHA	Yarina, Brent & Martha	258	
ZIMMER, DAVID & DAWN	Zimmer, David & Dawn	843	

BILLSTNAME	Proper Street	BILLAPT	BILLCITY	Proper City	BILLSTATE	BILLZIP
MAY AVE	May Ave		GLEN ELLYN	Glen Ellyn	IL	60137
BRYANT AVE	Bryant Ave		GLEN ELLYN	Glen Ellyn	IL	60137
WINGATE RD	Wingate Rd		GLEN ELLYN	Glen Ellyn	IL	60137
MAY ST	May St		GLEN ELLYN	Glen Ellyn	IL	60137
HIGHVIEW AVE	Highview Ave		GLEN ELLYN	Glen Ellyn	IL	60137
VAN DAMIN AVE	Van Damin Ave		GLEN ELLYN	Glen Ellyn	IL	60137
BRYANT AVE	Bryant Ave		GLEN ELLYN	Glen Ellyn	IL	60137
HIGHVIEW AVE	Highview Ave		GLEN ELLYN	Glen Ellyn	IL	60137
MAY AVE	May Ave		GLEN ELLYN	Glen Ellyn	IL	60137
HORATIO	Horatio		PRAIRIE VIEW	Prairie View	IL	60069
MAY AVE	May Ave		GLEN ELLYN	Glen Ellyn	IL	60137
VALLEY AVE	Valley Ave		GLEN ELLYN	Glen Ellyn	IL	60137
MAY AVE	May Ave		GLEN ELLYN	Glen Ellyn	IL	60137
HIGHVIEW AVE	Highview Ave		GLEN ELLYN	Glen Ellyn	IL	60137
MAY AVE	May Ave		GLEN ELLYN	Glen Ellyn	IL	60137
VAN DAMIN AVE	Van Damin Ave		GLEN ELLYN	Glen Ellyn	IL	60137
MAY AVE	May Ave		GLEN ELLYN	Glen Ellyn	IL	60137
HIGHVIEW	Highview		GLEN ELLYN	Glen Ellyn	IL	60137
BRYANT ST	Bryant St		GLEN ELLYN	Glen Ellyn	IL	60137
MAY AVE	May Ave		GLEN ELLYN	Glen Ellyn	IL	60137
HIGHVIEW AVE	Highview Ave		GLEN ELLYN	Glen Ellyn	IL	60137
BRYANT AVE	Bryant Ave		GLEN ELLYN	Glen Ellyn	IL	60137
MAY AVE	May Ave		GLEN ELLYN	Glen Ellyn	IL	60137
MAY AVE	May Ave		GLEN ELLYN	Glen Ellyn	IL	60137
MAY AVE	May Ave		GLEN ELLYN	Glen Ellyn	IL	60137
BRYANT AVE	Bryant Ave		GLEN ELLYN	Glen Ellyn	IL	60137
HIGHVIEW AVE	Highview Ave		GLEN ELLYN	Glen Ellyn	IL	60137
MAY AVE	May Ave		GLEN ELLYN	Glen Ellyn	IL	60137
HIGHVIEW AVE	Highview Ave		GLEN ELLYN	Glen Ellyn	IL	60137
HIGHVIEW AVE	Highview Ave		GLEN ELYNN	Glen Elynn	IL	60137
HIGHVIEW AVE	Highview Ave		GLEN ELLYN	Glen Ellyn	IL	60137
BRYANT AVE	Bryant Ave		GLEN ELLYN	Glen Ellyn	IL	60137
VAN DAMIN AVE	Van Damin Ave		GLEN ELLYN	Glen Ellyn	IL	60137
BRYANT AVE	Bryant Ave		GLEN ELLYN	Glen Ellyn	IL	60137
BRYANT AVE	Bryant Ave		GLEN ELLYN	Glen Ellyn	IL	60137
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HIGHVIEW AVE	Highview Ave		GLEN ELLYN	Glen Ellyn	IL	60137
VAN DAMIN AVE	Van Damin Ave		GLEN ELLYN	Glen Ellyn	IL	60137
HIGHVIEW AVE	Highview Ave		GLEN ELLYN	Glen Ellyn	IL	60137
BRYANT	Bryant		GLEN ELLYN	Glen Ellyn	IL	60137
VAN DAMIN	Van Damin		GLEN ELLYN	Glen Ellyn	IL	60137
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HIGHVIEW AVE	Highview Ave		GLEN ELLYN	Glen Ellyn	IL	60137

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LOT 2 IN SHELTON'S DIVISION OF THE SOUTH 110 FEET OF THE NORTH 205 FEET (SOUTH OF THE SOUTH LINE OF HIGHVIEW AVENUE) OF THE EAST 167 FEET OF THE WEST 200 FEET OF LOT 18 IN J.R. SMITH'S ADDITION TO GLEN ELLYN, A SUBDIVISION IN SECTIONS 12 AND 13, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID SHELTON'S DIVISION RECORDED FEBRUARY 12, 1971 AS DOCUMENT R71-6791, IN DU PAGE COUNTY, ILLINOIS.
P.I.N.: 05-13-107-044
All persons in the Village of Glen Ellyn who are interested are invited to attend the public hearing to listen and be heard. 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, April 8, 2022. Questions related to the request should be directed to Taylor Gendel, Associate Planner, at (630) 547-5246.
Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting or facilities, are requested to contact the Village 24 hours in advance of the meeting.
Published in Daily Herald March 25, 2022 (4579866)

RECEIVED

APR 05 2022

VILLAGE OF GLEN ELLYN

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

DuPage County Daily Herald

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

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

County(ies) of DuPage

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

I further certify that the DuPage County DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 03/25/2022 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 Laurel Baitz
Designee of the Publisher and Officer of the Daily Herald

Control # 4579866



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

Meeting 4/12/2022 7:00 PM
Department: Community Development
Department Head: Staci Springer
Category: Public Hearing
Prepared By: Atrin Fard, Kelly Purvis

**AGENDA ITEM (ID
2022-2060)**

DOC ID: 2022-2060

810 Dorchester Court

Aly Babul, owner of the property, located at 810 Dorchester Court, is requesting a variation from the Zoning Code, to allow the replacement of a six-foot, fully enclosed fence where the maximum height for a fence closer to the street than the principal structure on a lot is four feet and 33.3 percent open in the R1 Single Family 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. Staff Report - 810 Dorchester
2. 1. Aerial Photograph of site and surrounding properties
3. 2. Zoning and Location Map
4. 3. Petitioners' Application Packet Received March 29, 2022
5. 4. Plat of Survey with Proposed Fence Location
6. 5. Existing Conditions Photos
7. 6. New Fence Example
8. 7. Narrative Statement and New Fence Specs
9. 8. Public Notice 810 Dorchester
10. 9. Location Map for Public Hearing Notice
11. 10. Mailing List for Public Hearing Notice
12. 11. Certificate of Publication

STAFF REPORT

TO: The Zoning Board of Appeals

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

DATE: April 7, 2022

SUBJECT: April 12, 2022 Zoning Board of Appeals Meeting
Public Hearing – Zoning Variation to allow the replacement of a six-foot, fully enclosed fence, on the property located at 810 Dorchester Court, where the maximum height for a fence closer to the street than the principal structure on a lot in the R1 Single Family Residential District is four feet and 33.3 percent open

PETITIONERS: The petitioner is Aly Babul, owner of the property at 810 Dorchester Court.

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

1. Section 10-5-5(B)4 #11 to allow the replacement of a six-foot, fully enclosed fence where the maximum height for a fence closer to the street than the principal structure on a lot in the R1 Single Family Residential District is four feet and 33.3 percent open.
2. Any other zoning relief necessary to allow the fence to be constructed as depicted on the plans presented at the public hearing or at a public meeting of the Village Board.

ZONING/ USE: The property is a corner lot located in the R1 Residential Zoning District on the northeast corner of Dorchester Court and Illinois Route 53. The zoning and land use immediately north of subject property is R2 single-family residential and all the remaining surrounding homes are in unincorporated DuPage County.

PUBLIC NOTICE: Notice of the public hearing was published in the March 28, 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.

PERMIT HISTORY: Village records indicate the following permits have been issued for this property:

<u>Date</u>	<u>Permit No.</u>	<u>Type</u>
1999	B18876	Water Service Connection

2009	20091322	Roofing
2013	20130261	A/C Replacement

**PROJECT
SUMMARY:**

The petitioner is proposing to replace a six-foot, fully enclosed fence on the property located at 810 Dorchester Avenue, where the maximum height for a fence closer to the street than the principal structure on a lot in the R1 Single Family Residential District is four feet and 33.3 percent open. The previous non-conforming fence had been on the property since the home was built and before the property was annexed into the Village in 1999. It was considered legal non-conforming, which means that it was allowed to remain in place until such time that replacement or structural alteration was required. The fence was damaged, so the property owner removed it, not realizing that the Zoning Code does not allow it to be replaced at its previous height. The petitioner is requesting a variation to replace the fence exactly as it was. This variation request is due to the fact that the home is located on Illinois State Route 53, a very high traffic roadway. The petitioner states that a code compliant 4-foot fence would not provide the privacy his family requires and has become accustomed to.

The petitioner seeks to replace the fence with 200 linear feet of a 6-foot tall, 8-foot wide, dogear pine, pressure treated shadowbox style fence with two gates. The petitioner's contactor has submitted a photo of what the proposed fence will look like (attached).

The petitioner notes that all of the other homes along the east side of Illinois Route 53 also have 6-foot tall, completely closed fencing, and installing a code compliant fence would put their property's fence below the rest in the neighborhood. Replacing the fence to match the other properties along Route 53 will create uniformity with the adjoining fences. The petitioner has indicated they will be spending more money to install a six-foot fence than they would to install a four-foot compliant fence.

The petitioner also notes that they have the only property on Dorchester Court that has been annexed into the Village. Staff checked the County codes and noted that if the property were still in unincorporated DuPage County, a side yard fence abutting Route 53 would be allowed up to 8 feet 6 inches.

**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.

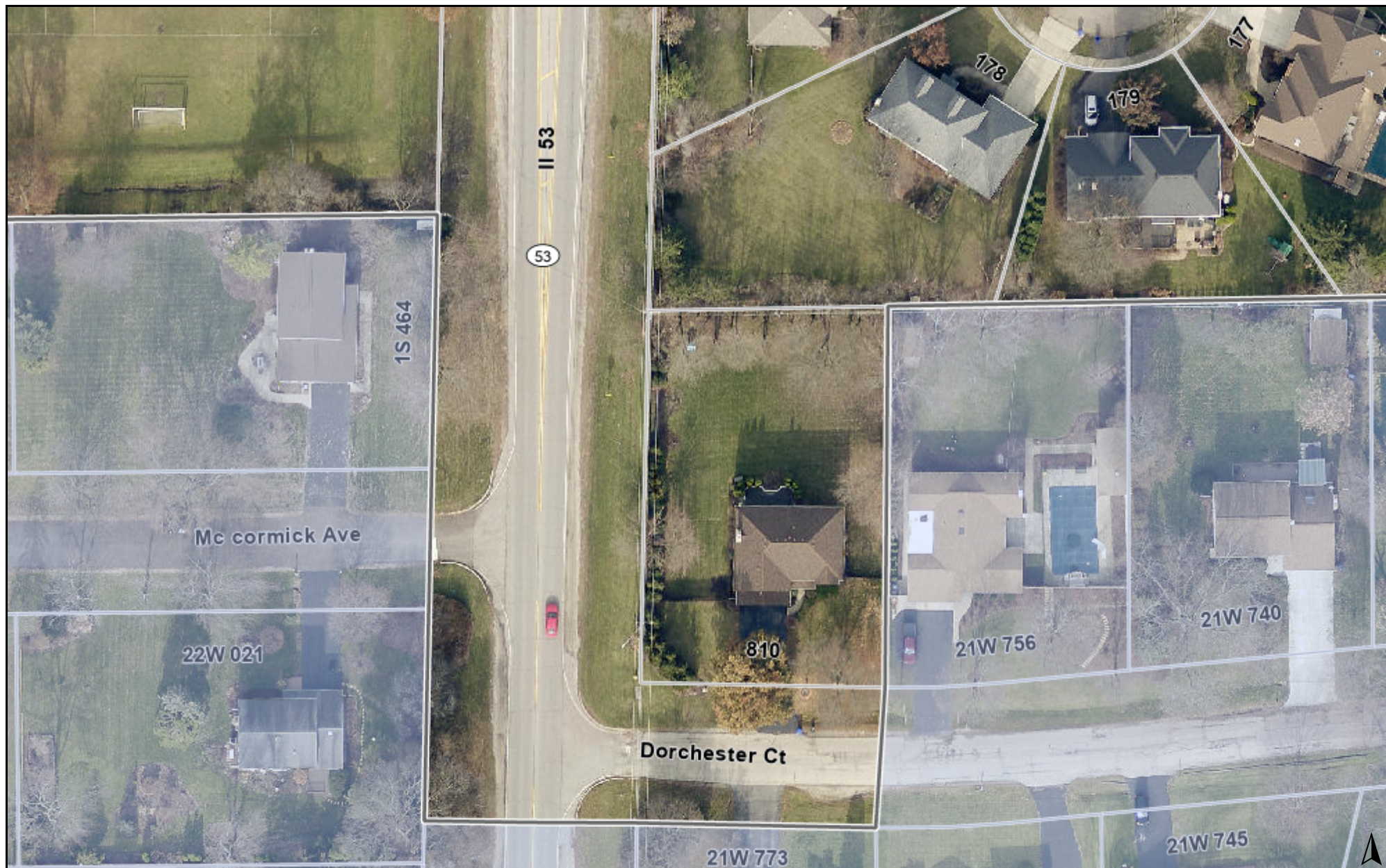
The ZBA may choose to make a recommendation to the Village Board for the approval, approval with conditions or denial of the variation to allow replacement of a six-foot, fully enclosed fence in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code.

ATTACHMENTS:

1. Aerial Photograph of site and surrounding properties
2. Zoning and Location Map
3. Petitioners' Application Packet Received March 29, 2022
4. Plat of Survey with Proposed Fence Location
5. Existing Condition Photos
6. New Fence Example Photo
7. New Fence Specifications
8. Public Hearing Notice
9. Location Map for Public Hearing Notice
10. Mailing List for Public Hearing Notice
11. Certificate of Publication

cc: Staci Springer, Director of Community Development
Kelly Purvis, Planning Manager
Atrin Fard, Planner
Paula Moritz, Plan Reviewer
Aly Babul, Property Owner
Jason Chappell, Contractor

X:\Plander\BUILDING\ZBA\5. VARIATION BY ADDRESS\D\DORCHESTER\810 Dorchester\ZBA\Staff Report - 810 Dorchester.doc



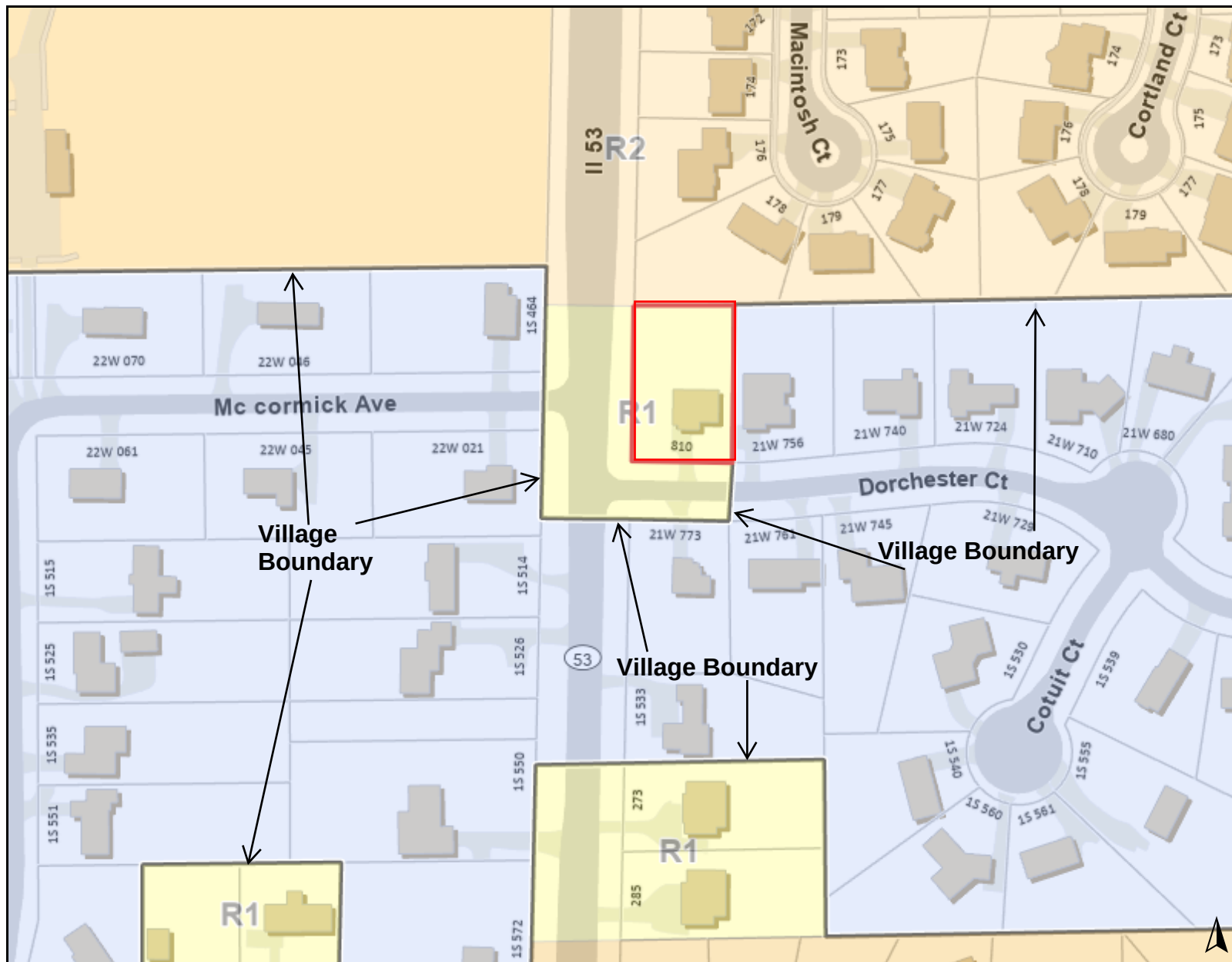
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Print Date: 3/31/2022

Notes

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

GIS Consortium | 810 Dorchester Court Zoning Map



Legend

Zoning and Development

Zoning

- R1: Single Family Residential District
- R2: Single Family Residential District
- R2B: Single Family Residential District

District

0 300 600
ft

Print Date: 3/31/2022

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.

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

CLEAR ALL PAGES

APPLICATION FOR VARIATION

For the property at 810 Dorchester Ct 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: Aly Babul

Address: 810 Dorchester Ct., Glen Ellyn, IL 60137

Home Phone No.: 630-664-3765 Cell Phone No.: 630-664-3765

Fax No.: _____

E-mail: alybabul@gmail.com, fencingdeckpros@gmail.com

Ownership Interest in the Property in Question:

Owner

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

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

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

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):

Fencing Deck Pros - Contractor (Jason Chappell)

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: 810 Dorchester Ct., Glen Ellyn, IL 60137

Permanent tax index number: 05-24-300-006

Legal description:

LOT ONE IN GLEN ELLYN ESTATES UNIT NUMBER ONE, BEING A RESUBDIVISION OF PART OF LEUTHESSER'S ASSESSMENT PLAT, IN SECTION 24, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID GLEN ELLYN ESTATES UNIT NUMBER ONE, RECORDED MARCH 22, 1967 AS DOCUMENT R67-8256, IN DUPAGE COUNTY, ILLINOIS

Zoning classification: R1 Residential District

Lot size: 175 ft. x 115 ft. Area: 20,125 sq. ft.

Present use:

Residential / Owner Occupied.

IV. INFORMATION REGARDING THE VARIATION(S) REQUESTED:

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

Requesting a variation from Section 10-5-5(B)4 #11 of the Glen Ellyn Zoning Code, to allow the replacement of a six-foot, fully enclosed fence where the maximum height for a fence closer to the street than the principal structure on a lot in the R1 Single Family Residential District is four feet and 33.3 percent open

Seeking replacement of fence variation mentioned above. Replace existing 6 foot fence with 6 foot in height and 8 feet wide, dogear pine pressure treated AC2 fencing material, shadowbox style with two gates, one on the left and one on the right. In lieu of the 4 feet allowed by current city requirements.

Estimated date to begin construction: 4/26/22

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

Jason Chappell (contractor) - Fencing Deck Pro's - 630-267-7597

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:

We are located on Illinois State Route 53- the proposal of a 4 feet fence would not provide the privacy needed. Vehicles and pedestrians that pass by our home would easily be able to view into our yard and into our living rooms, dining room, and kitchen. We have two young daughters and I am not comfortable with having the public view into our yard and home. We are requesting the installation of 6 feet fence, which we previously had and replacing due to the damages on previous fence.

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):

Current code is placing my family in danger, as it would not provide for any privacy. Living off a main road, all drivers can visible see into my property if we were to build fencing based on current codes.

OR

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

All homes along route 53, on our side of the street have 6ft fence, following the current code would put our property fence below rest of our neighborhood and neighbors. Please refer to the attached pictures for support.

If we install anything less than 6 feet would not align with the adjoining neighbors, which would cause privacy issues in their property and yard as well.

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 fence being replaced is/was 6 feet as such there would be no altering of the existing footprint.

- 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:

See attached pictures. Our home is parallel to route 53. Thousands of vehicles drive by this state route daily, it is not safe to install 4 foot fences as allowed by the zoning code. 6 foot fence provide privacy needed when you live on a major road. If we had known there was a problem - we would not have removed our existing fence. We are simply replacing the fence that has been present since the property was built - see pictures for original fencing when property was re-built in ~2000.

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

We live on a main road unlike others within Glen Ellyn. ALSO we are the only house on Dorchester Court to be annexed into the city. Rest of our neighborhood is considered "unincorporated". This is truly one off situation.

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 are actually spending more money to install 6 feet fence vs 4 feet.

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

The existing fence is damaged and not sustainable - replacing the fence is required for privacy and safety of my family.

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

We are solely replacing the existing fence. These improvements will actually benefit the city as it will create uniformity with the other adjoining fence.

6. Provide evidence that the proposed variation will not:

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

N/A - as we are replacing the existing fence with the same height, material, and uniformity.

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

No Change to the existing fence - we will continue to have two gates into the backyard as previous.

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

N/A - as we are replacing the existing fence with the same height, material, and uniformity.

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

N/A - as we are replacing the existing fence with the same height, material, and uniformity.

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

N/A - as we are replacing the existing fence with the same height, material, and uniformity.

- f. Create a nuisance; or

N/A - as we are replacing the existing fence with the same height, material, and uniformity.

- g. Results in an increase in public expenditures.

N/A - as we are replacing the existing fence with the same height, material, and uniformity.

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

There will be no variation from the existing fence on the property. Current code recommends 4 feet fence, we are requesting 6 feet - which would mirror the current fence and provide uniformity with the other homes that our fence connects too.

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

We are solely asking the city to allow us to rebuild the same fence, with the same height. To do anything sub 6 feet would not provide for uniformity with the adjoining fences on route 53. Also considering we live on one of the busiest roads, with the amount of vehicles that drive by our home daily - it would not be safe for family when anyone can view into our home and yard.

I've included pictures of the original fence (when the home was first built)
Pictures showing damages to the fences
Pictures showing how our fences adjoins to the our neighbors
Pictures of fences on route 53 with the same height / material

Thanks

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>03/27/2022</u>	<u>Aly Babul</u>	<u></u>
Date	Print Name	Signature of Applicant
<u> </u>	<u> </u>	<u> </u>
Date	Print Name	Signature of Applicant
<u> </u>	<u> </u>	<u> </u>
Date	Print Name	Signature of Applicant

LEGEND

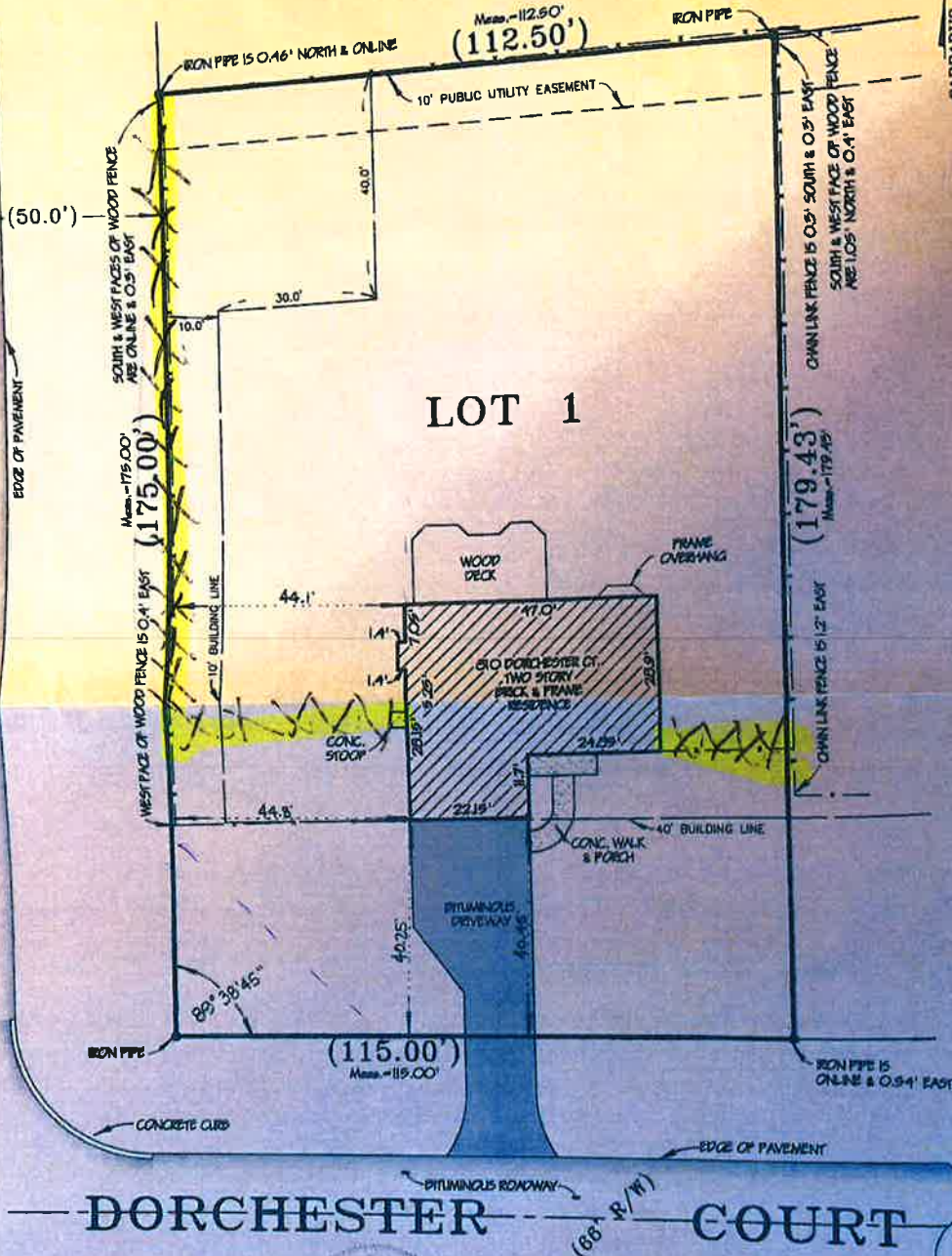
- Monumentation Found
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 (60') Record Dimension
 Fence Line

PLAT OF SURVEY

LOT ONE IN GLEN ELLYN ESTATES UNIT NUMBER ONE, BEING A RESUBDIVISION OF PART OF LEUTHESSER'S ASSESSMENT PLAT, IN SECTION 24, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID GLEN ELLYN ESTATES UNIT NUMBER ONE RECORDED MARCH 22, 1967 AS DOCUMENT R67-8256, IN DUPAGE COUNTY, ILLINOIS.

AREA OF SITE=20,150 SQ. FT.

ILLINOIS ROUTE 53



STATE OF ILLINOIS
COUNTY OF DU PAGE

THIS IS TO CERTIFY THAT I, ALLEN D. CARRADUS, A PROFESSIONAL LAND SURVEYOR, LICENSED IN THE STATE OF ILLINOIS, HAVE SURVEYED THE PROPERTY AS DESCRIBED HEREON AND THAT THE ANNEXED PLAT IS A CORRECT AND TRUE REPRESENTATION THEREOF, AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

SIGNED AND SEALED AT WHEATON, ILLINOIS THIS 20th DAY OF June A.D. 2013
BY *Allen D. Carradus*
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 33-2551
MY LICENSE EXPIRES NOVEMBER 30, 2014.

NOTES

1. All distances shown herein are in feet and decimal parts thereof corrected to 68° F.
2. Distances shown along curved lines are Arc Measurements unless otherwise noted.
3. Compare the Legal Description, Building Lines, and Easements as shown herein with your Deed, Title Insurance Policy, or Title Commitment.
4. Consult local ordinances for additional setbacks and restrictions not shown herein.
5. Compare all survey points and report any discrepancies immediately.
6. Consult utility companies and municipalities prior to the start of any construction.
7. Dimensions to and along buildings are exterior foundation measurements.
8. Do Not Assume distances from scaled measurements made herein.

ALLEN D. CARRADUS L.S.D. SURVEYOR

Residential & Commercial Land Surveying Services
108 W. Liberty Drive, Wheaton, Illinois 60187
(630) 588-0416 (Fax) 630-7582

PREPARED FOR: **MARK RODRIGUEZ, ATTORNEY**

DATE OF FIELD WORK: 06/20/13
SCALE: 1" = 20'
PLAT NO: 318-22
PROJECT NO: 25049









Hardship Statement:

We are located on Illinois State Route 53- the proposal of a 4 feet fence would not provide the privacy needed. Vehicles and pedestrians that pass by our home would easily be able to view into our yard and into our living rooms, dining room, and kitchen. We have two young daughters and I am not comfortable with having the public view into our yard and home. We are requesting the installation of 6 feet fence, which we previously had and replacing due to the damages on previous fence.

We are solely asking the city to allow us to rebuild the same fence, with the same height. To do anything sub 6 feet would not provide for uniformity with the adjoining fences on route 53.

- I've included pictures of the original fence (when the home was first built)
- Pictures showing damages to the fences
- Pictures showing how our fences adjoins to the our neighbors
- Pictures of fences on route 53 with the same height / material

Material:

200 Linear feet of pine pressure treated fencing material with two gates

From: Jason chappell <fencingdeckpros@gmail.com>
Sent: Tuesday, March 29, 2022 2:57 PM
To: Taylor Gendel; AlyBabul@gmail.com
Subject: Re: 810 Dorchester Zoning Variation Application Review
Attachments: 20220328_172913.jpg

[EXTERNAL EMAIL]

Taylor,

The specifications for the fence installation are as follows.

6 foot in height and 8 feet wide, dogear pine pressure treated AC2 fencing material, shadowbox style with two gates, one on the left and one on the right. I have also included a picture of the product after construction.

Please let me know if you have any other questions.

Thanks,

Jason Chappell
Fencing and Deck Pros Inc.
630 267 7597

On Tue, Mar 29, 2022, 2:45 PM Taylor Gendel <tgendel@glenellyn.org> wrote:

Hello Aly,

There are a couple of sections of the application for you to revise – I will go through each of them here, but feel free to call me if you have any questions. Please revise and send me back the entire application packet electronically or you can drop it off-- whatever is easier for you.

Page 3 of application (page begins with III. Property Information).

- Zoning classification: please specify you are in the **R1** Residential District.
- Description of the variation(s) requested. This section it is very important to fill out in detail and to cite the Zoning Code provision you seek a variation from and why. The code section is 10-5-5(B)4 #11, I have attached it (& highlighted) to this email for your reference. As we have written in your public notice you are *“requesting a variation from Section 10-5-5(B)4 #11 of the Glen Ellyn Zoning Code, to allow the replacement of a six-foot, fully enclosed fence where the maximum height for a fence closer to the street than the principal structure on a lot in the R1 Single Family Residential District is four feet and 33.3 percent open”* So please explain what

variation you are requesting and how it differs from what's allowed, and describe the fence that you are requesting to have installed.

Page 4 of application (page beings with Estimated date to begin construction)

- The quickest you could potentially be granted approval to begin is 4/26/22 so please change the date to that.
- Please fill out an answer for 2.a. --- an example of what you might say here would be an explanation of how you believe the code is impeding the use of your property in a reasonable manner.

I would also ask that you send along a cut sheet or specifications on the proposed replacement fence from your contractor so that the ZBA can review the new materials as well as the existing conditions.

Again, please let me know if you have any questions.

Thank you,

Taylor Gendel (she/her)

Associate Planner, Community Development Department

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

Ph: 630-547-5246, tgendel@glenellyn.org



NOTICE OF PUBLIC HEARING

Aly Babul, owner of the property located at 810 Dorchester Court, is requesting a variation from Section 10-5-5(B)4 #11 of the Glen Ellyn Zoning Code, to allow the replacement of a six-foot, fully enclosed fence where the maximum height for a fence closer to the street than the principal structure on a lot in the R1 Single Family Residential District is four feet and 33.3 percent open.

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, April 12, 2022 at 7:00 p.m.** in the Galligan Board Room on the 3rd floor of the Glen Ellyn Civic Center, 535 Duane Street, Glen Ellyn, Illinois, 60137.

The property is zoned R1, Residential District, and is legally described as follows:

LOT ONE IN GLEN ELLYN ESTATES UNIT NUMBER ONE, BEING A RESUBDIVISION OF PART OF LEUTHESSER'S ASSESSMENT PLAT, IN SECTION 24, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID GLEN ELLYN ESTATES UNIT NUMBER ONE RECORDED MARCH 22, 1967 AS DOCUMENT R67-8256, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-24-300-006

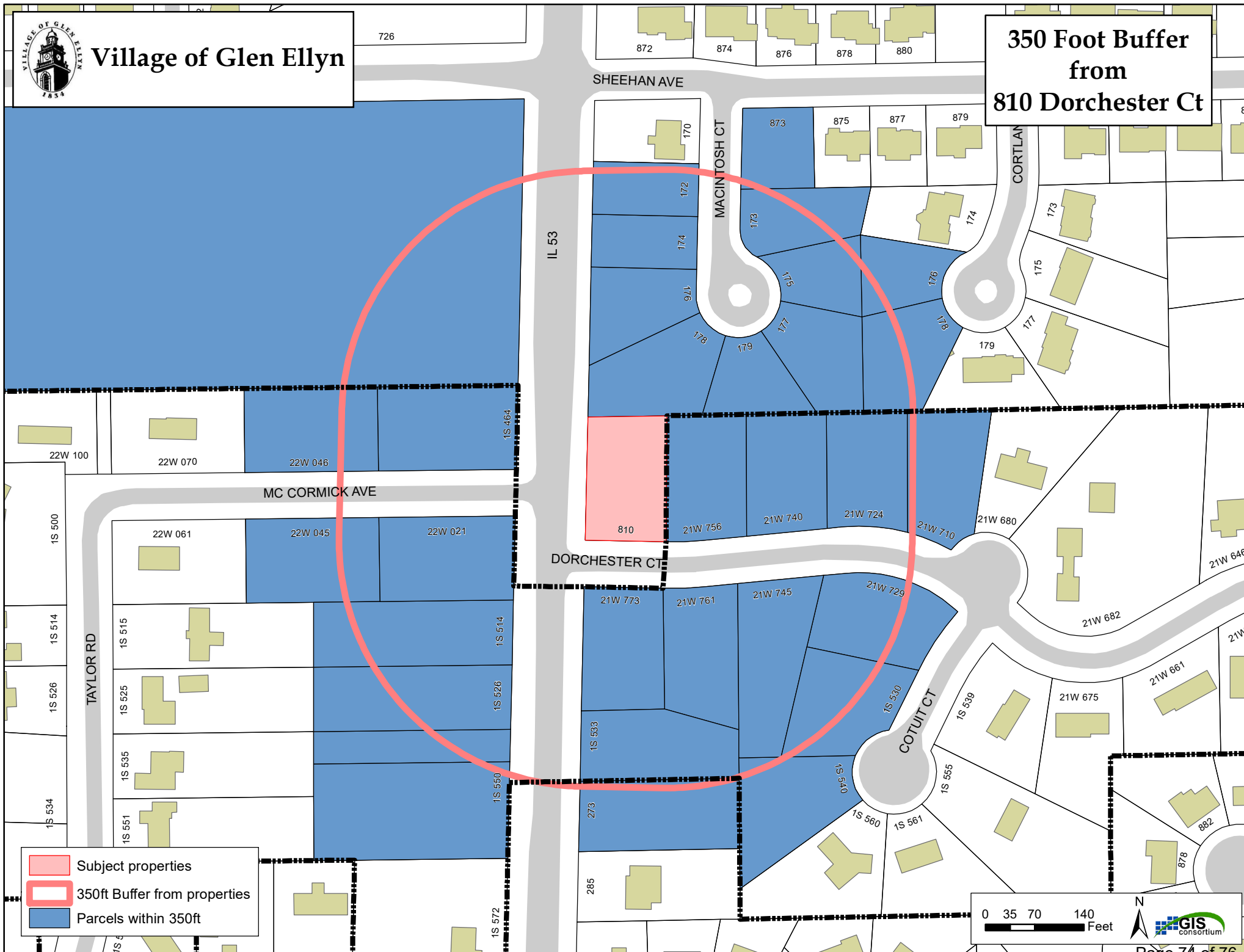
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Village of Glen Ellyn

**350 Foot Buffer
from
810 Dorchester Ct**



BILLNAME	Proper name	Or Current Property Owner	BILLSTNUM	BILLSTNAME	Proper Street	BILLCITY	Proper City	BILLSTATE	BILLZIP
AIKENS, ROBERT & ASHLEY	Aikens, Robert & Ashley	Or Current Property Owner	21W710	DORCHESTER CT	Dorchester Ct	GLEN ELLYN	Glen Ellyn	IL	60137
ALVAREZ, OSCAR & KARLA	Alvarez, Oscar & Karla	Or Current Property Owner	21W761	DORCHESTER CT	Dorchester Ct	GLEN ELLYN	Glen Ellyn	IL	60137
BABUL, ALY & NAZIA	Babul, Aly & Nazia	Or Current Property Owner	810	DORCHESTER CT	Dorchester Ct	GLEN ELLYN	Glen Ellyn	IL	60137
BALLANEY, DINESH	Ballaney, Dinesh	Or Current Property Owner	178	CORTLAND CT	Cortland Ct	GLEN ELLYN	Glen Ellyn	IL	60137
BERGENDORF FAMILY TR	Bergendorf Family Tr	Or Current Property Owner	21W745	DORCHESTER CT	Dorchester Ct	GLEN ELLYN	Glen Ellyn	IL	60137
BOWLING, MIKE & C GEBALA	Bowling, Mike & C Gebala	Or Current Property Owner	175	MACINTOSH CT	Macintosh Ct	GLEN ELLYN	Glen Ellyn	IL	60137
CHHABRA, SARNAGAT & D	Chhabra, Sarnagat & D	Or Current Property Owner	176	MACINTOSH CT	Macintosh Ct	GLEN ELLYN	Glen Ellyn	IL	60137
COX, ROBERT & G EORGOFF	Cox, Robert & G Eorgoff	Or Current Property Owner	21W756	DORCHESTER CT	Dorchester Ct	GLEN ELLYN	Glen Ellyn	IL	60137
CRONE SR, JOHN	Crone Sr, John	Or Current Property Owner	22W046	MC CORMICK AVE	Mc Cormick Ave	GLEN ELLYN	Glen Ellyn	IL	60137
DUNCH, LIAM & ANNIE	Dunch, Liam & Annie	Or Current Property Owner	1S550	RT 53	Rt 53	GLEN ELLYN	Glen Ellyn	IL	60137
FELIX JR, GERNARO & C	Felix Jr, Gernaro & C	Or Current Property Owner	1S526	RT 53	Rt 53	GLEN ELLYN	Glen Ellyn	IL	60137
GHIONZOLI, ORLAND & MARIA	Ghionzoli, Orland & Maria	Or Current Property Owner	21W724	DORCHESTER CT	Dorchester Ct	GLEN ELLYN	Glen Ellyn	IL	60137
HESTERMAN, DUANE	Hesterman, Duane	Or Current Property Owner	22W045	MC CORMICK	Mc Cormick	GLEN ELLYN	Glen Ellyn	IL	60137
HOUDA, STEPHEN & SHANNON	Houda, Stephen & Shannon	Or Current Property Owner	21W773	DORCHESTER CT	Dorchester Ct	GLEN ELLYN	Glen Ellyn	IL	60137
KAY, DOUGLAS & LAURA	Kay, Douglas & Laura	Or Current Property Owner	177	MACINTOSH CT	Macintosh Ct	GLEN ELLYN	Glen Ellyn	IL	60137
KIRCHENS, DOUGLAS & S	Kirchens, Douglas & S	Or Current Property Owner	1S540	COTUIT CT	Cotuit Ct	GLEN ELLYN	Glen Ellyn	IL	60137
MANNING, JASON & CARRIE	Manning, Jason & Carrie	Or Current Property Owner	179	MACINTOSH CT	Macintosh Ct	GLEN ELLYN	Glen Ellyn	IL	60137
MILANO, ERIC & SUZANNE	Milano, Eric & Suzanne	Or Current Property Owner	873	SHEEHAN AVE	Sheehan Ave	GLEN ELLYN	Glen Ellyn	IL	60137
MILLER, JERRY & BRIGITTE	Miller, Jerry & Brigitte	Or Current Property Owner	22W021	MC CORMICK AVE	Mc Cormick Ave	GLEN ELLYN	Glen Ellyn	IL	60137
MOHSIN, MOHAMMED	Mohsin, Mohammed	Or Current Property Owner	173	MAC INTOSH CT	Mac Intosh Ct	GLEN ELLYN	Glen Ellyn	IL	60137
PEASLEY, MATTHEW & LISA	Peasley, Matthew & Lisa	Or Current Property Owner	172	MC INTOSH CT	Mc Intosh Ct	GLEN ELLYN	Glen Ellyn	IL	60137
ROMANO, VICKIE	Romano, Vickie	Or Current Property Owner	1S530	COTUIT CT	Cotuit Ct	GLEN ELLYN	Glen Ellyn	IL	60137
ROQUITTE, R & R COVERT	Roquette, R & R Covert	Or Current Property Owner	1S533	RT 53	Rt 53	GLEN ELLYN	Glen Ellyn	IL	60137
SAWYER, JACOB & BROOKE	Sawyer, Jacob & Brooke	Or Current Property Owner	21W729	DORCHESTER CT	Dorchester Ct	GLEN ELLYN	Glen Ellyn	IL	60137
SCHOOL DISTRICT NO 89	School District No 89	Or Current Property Owner	789	SHEEHAN AVE	Sheehan Ave	GLEN ELLYN	Glen Ellyn	IL	60137
SCHUMACHER, JOSEPH	Schumacher, Joseph	Or Current Property Owner	22W020	MC CORMICK AVE	Mc Cormick Ave	GLEN ELLYN	Glen Ellyn	IL	60137
SEMMER, GARY R	Semmer, Gary R	Or Current Property Owner	176	CORTLAND CT	Cortland Ct	GLEN ELLYN	Glen Ellyn	IL	60137
STEINHOUSE, RYAN & C	Steinhouse, Ryan & C	Or Current Property Owner	21W740	DORCHESTER CT	Dorchester Ct	GLEN ELLYN	Glen Ellyn	IL	60137
WARE, LEATHA P	Ware, Leatha P	Or Current Property Owner	1S514	RT 53	Rt 53	GLEN ELLYN	Glen Ellyn	IL	60137
WESCOTT, JAMES	Wescott, James	Or Current Property Owner	178	MAC INTOSH CT	Mac Intosh Ct	GLEN ELLYN	Glen Ellyn	IL	60137
WIDICUS, MICHAEL & AMY	Widicus, Michael & Amy	Or Current Property Owner	174	MAC INTOSH CT	Mac Intosh Ct	GLEN ELLYN	Glen Ellyn	IL	60137
WIECLAWSKI, JOYCE	Wiedlawski, Joyce	Or Current Property Owner	273	RT 53	Rt 53	GLEN ELLYN	Glen Ellyn	IL	60137

NOTICE OF PUBLIC HEARING

Ally Babul, owner of the property located at 810 Dorchester Court, is requesting a variation from Section 10-5-5(B)4#11 of the Glen Ellyn Zoning Code, to allow the replacement of a six-foot, fully enclosed fence where the maximum height for a fence closer to the street than the principal structure on a lot in the R1 Single Family Residential District is four feet and 33.3 percent open.

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, April 12, 2022 at 7:00 p.m. in the Galligan Board Room on the 3rd floor of the Glen Ellyn Civic Center, 535 Duane Street, Glen Ellyn, Illinois, 60137.

The property is zoned R1, Residential District, and is legally described as follows:

LOT ONE IN GLEN ELLYN ESTATES UNIT NUMBER ONE, BEING A RESUBDIVISION OF PART OF LEUTHESSER'S ASSESSMENT PLAT, IN SECTION 24, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID GLEN ELLYN ESTATES UNIT NUMBER ONE RECORDED MARCH 22, 1967 AS DOCUMENT R67-8256, IN DUPAGE COUNTY, ILLINOIS.

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Published in Daily Herald March 28, 2022 (4580149)

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APR 05 2022

VILLAGE OF GLEN ELLYN

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

DuPage County
Daily Herald

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

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

County(ies) of DuPage

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

I further certify that the DuPage County DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 03/28/2022 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 *Danula Baitz*
Designee of the Publisher and Officer of the Daily Herald

Control # 4580149