

AGENDA
Glen Ellyn Zoning Board of Appeals Meeting
Tuesday, October 11, 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 September 13, 2022.

D. Public Hearing.

1. 364 Lorraine Road

Zoning Variation request to allow all freestanding accessory structures on the zoning lot to occupy 31.9 percent of the required rear yard where a maximum of 30 percent of a required rear yard or 1,000 square feet, whichever is less, is permitted to be covered by freestanding accessory structures.

E. Other Business.

1. Construction Necessitated Variation (CNV) Discussion

Discussion of staff memo regarding Construction Necessitated Zoning Variations.

F. Village Board Trustee Report.

G. Chairman's Report.

H. Staff Report.

I. 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. To confirm exact times and dates for Village Board consideration of a project, please call 630-547-5241.

cc: ZBA Members
Anne Gould, Trustee Liaison
Atrian Fard, Staff Liaison
Barbara Dutton-Thomas, Recording Secretary
Martin Scott, Community Development
Dir.

Steve Witt, Building & Zoning Official
Taylor Gendel, Associate Planner
Brad Iwicki, Planning Intern
Lori Gloude, Executive Assistant
Mark Franz, Village Manager
Brian Baltudis, Facilities Manager



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

Meeting 10/11/2022 7:00 PM
Department: Community Development
Department Head: Marty Scott
Category: Minutes
Prepared By: Atrin Fard

**AGENDA ITEM (ID
2022-2707)**

DOC ID: 2022-2707

Approval of Draft Minutes from September 13, 2022

Statement of the Issue:

N/A

Analysis:

N/A

Budget Impact:

N/A

Action Requested:

Please review the attached draft minutes.

Attachments:

1. 9-13-22 ZBA Meeting Minutes-DRAFT

**DRAFT MINUTES
ZONING BOARD OF APPEALS MEETING
September 13, 2022**

Call to Order and Roll Call

The meeting was called to order at 7:02 p.m., by Chairperson Greg Constantino, who explained the function of the Zoning Board of Appeals (ZBA) and the deliberation process in which it engages, as well as reviewed the notice given for the meeting's Public Hearing item. Roll was called. Present: Chairperson Constantino and Board Members Katie Crudele, Reed Panther and Thomas Whalls. Absent: Matthew Jones and Chip Miller. The Chairperson went over Public Hearing protocols, announced that the meeting would be recorded, and introduced Associate Planner Taylor Gendel, Recording Secretary Barb Dutton and Village Board Trustee Anne Gould. Senior Planner Atrian Fard was also in attendance.

Approval of Meeting Minutes

A motion by Board Member Crudele to approve the draft minutes of the August 30, 2022 meeting, seconded by Member Whalls, carried unanimously by roll call vote of all ZBA members present.

Public Hearing for 509 Carlton Avenue

A motion by Board Member Whalls to open the Public Hearing concerning for 509 Carlton Avenue, seconded by Member Miller, passed by voice vote.

Staff Presentation

Sworn in, Associate Planner Taylor Gendel, 535 Duane St., stated that the Petitioners, Chris Doran and Claire Sheehan, owners of the property at 509 Carlton, seek a lot coverage ratio (LCR) of approximately 24.07 percent to add a sunroom to their residence which currently has an LCR of approximately 20.2 percent. The property is an interior lot located in the R2 Residential Zoning District on the east side of Carleton Avenue between Walnut Street and Duane Street, and is surrounded by R2, she explained. The current home, featuring an attached garage, was built in 2019, she said, adding that the owners have lived there since that year. Considered nonconforming with the Zoning Code, the subject lot has a width of approximately 50 ft., and the minimum lot width for an interior lot in the District is 66 ft. , and the lot area is also nonconforming with a square footage of 8,500 where 8,712SF is required by Code, she said.

Ms. Gendel stated that the homeowners wish to add an approximately 328.6SF sunroom to the rear of the home to update and reorganize the first floor and allow for a more "open living" concept. Given the existing attached garage on the property, she explained, the home is not qualified for the lot coverage bonus for a detached garage (up to 500SF) which would have allowed for a deduction in square footage in the lot coverage. According to the Village's Zoning Code, explained Associate Planner Gendel, single-family residences constructed in the R2 Zoning District shall be granted an allowance of up to 140SF for the construction of a porch located in the front yard or in the corner side yard, which has a minimum depth of 6 ft. and is open on at least two sides, which may be excluded from the LCR. The homeowner's existing front porch qualifies for a lot coverage bonus of approximately 109.22SF. This amount has not been included in the calculation of their LCR, noted the Associate Planner.

The Petitioner, reported Ms. Gendel, notes that the attached garage currently limits the home's living space on the first floor. The homeowners, she related, also state that the proposed addition would enhance the rear façade of the existing home by improving the nondescript east façade and that the addition will make the house comparable to other houses on the block. The adjacent properties to the north and south both have detached garages in their backyard, she said, adding that the Petitioners hope that the proposed sunroom, if approved, would provide some screening from the neighboring detached garages. After concluding her presentation by saying that to construct the addition as proposed the Petitioner needs a variation from the Zoning Code to allow the greater LCR, Ms. Gendel outlined expected ZBA action. She related that the Village Engineer had no stormwater concerns over the proposed one-story addition.

Petitioner's Presentation

Sworn in, Jon Green, Engineering Resource Associates, 3S701 West Avenue, Warrenville, Ill., reiterated that the lot is legally non-conforming – in both width and area – and stated that of the 17 lots on the same block, nine are bigger. He said the proposed one-story addition is to have a hipped roof and A/C and heat, and that it will exceed the required rear setback for the long, deep lot. The proposed, he stated, would be “consistent with the trend of some of the other homes on the block,” and that both adjoining neighbors are in support of the petition. He indicated that the drainage, which is sized for the current home, might be extended, to which Member Whalls asked if this means the drywell would be widened; Mr. Green said more likely a second one would be added. Chairperson Constantino asked if the owner had wanted to erect a detached garage, whether there'd be space for a driveway back to the rear. Mr. Greene replied, negatively, pointing out that the north and south side yards measure only 6 ft. 3 in. and 7 ft., respectively. To this point, Christopher Doran, 509 Carlton Avenue, Glen Ellyn, who was sworn in, stated that the main concern was driveway safety, suggesting that having a car traverse such a tight space would be a challenge. As to how the size of the proposed addition was determined, he explained that limiting the addition to 10 ft. wide to align with the width of the existing is 8-ft.-wide sliding glass door would not be cost-effective, and that a larger addition would avoid having to replace the windows to the north of the sliding door. He said the design represents a perfect fit, and that the attached garage takes up living space from the first floor, so the addition offers a “counter balance.” Noting that the Petitioners built the house, Board Member Crudele asked why they are only now seeking approval for the sunroom addition. Mr. Doran replied that when the Petitioners built the house, it felt to them “like a mansion,” as they'd been living in a two-bedroom condo, but later, with a growing family, realized they need more space. He said they love the neighborhood, from which they don't wish to move and disrupt the lives of their sons. An additional signature of support, it was noted, had been received after the meeting packet was sent out.

Public Comment

Ed Hess, 511 Carlton, the neighbor to the north, was sworn in. He said he views the proposed addition as useful for adding living space and play area and doesn't see any problem with it, and so is in support.

Board Member Panther delivered proposed findings of fact. Board Member Whalls made a motion to accept these findings; seconded by Member Crudele, the motion passed unanimously by roll call vote of all ZBA members present.

Deliberation

Board Member Crudele expressed that she is in favor of recommending approval of the variation request, which she called “kind of straightforward,” in that the lot is already legally non-conforming, with the

narrow nature giving the Petitioners the inability to have the bonus for a detached garage. Member Panther said that he is “in the same boat,” and that he believes that the lot size and width create a hardship. Member Whalls said he doesn’t see a stormwater issue or visual site blockage for neighbors with the plan, and noted no protests from neighbors. After Sr. Planner Fard, who was sworn in, read Code provisions governing driveway width and impervious surface setback, Mr. Whalls observed that the house is only 34 ft. wide, and said that he is in favor of recommending the variation request. Chairperson Constantino said he also is in favor, saying the proposed is consistent with the neighborhood development and would maintain its character. The location specified for the addition is the only practical one for it, he continued, adding that the proposed dimensions are the least amount of size to meet owner-stated needs.

Member Whalls, seconded by Member Panther, moved to close the public hearing; the motion carried unanimously by roll call vote of all ZBA members present. Board Member Crudele moved for the following:

Having considered the application of Chris Doran and Claire Sheehan, owners of the property at 509 Carleton Avenue, Glen Ellyn, for zoning variations from Section 10-4-8(E)1 to allow a lot coverage ratio of 24.07 percent where a 20 percent maximum lot coverage ratio for two story single-family dwellings is allowed in the R2 Residential District, the Zoning Board of Appeals hereby adopts the findings of fact in the petitioners’ application packet and presented by the petitioners at the Zoning Board of Appeals public hearing conducted on September 13, 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:

- The rectangular shape of the lot makes it narrow, to not safely allow the owners to build a detached garage;
- The proposed addition will maintain neighborhood character;
- It is the only location for the addition to be practical and safe; and
- There were no neighbors that opposed the addition.

Seconded by Board Member Whalls, the motion passed by roll call vote with all Board members present voting YES.

Staff Report

Senior Planner Fard related that in addition to one case scheduled for the next meeting, the ZBA is to take up the discussion of policy governing construction-necessitated zoning variances.

Trustee’s Report

Trustee Liaison Gould said the Board approved Phase A of the Forest Preserve District of DuPage County’s plan to expand the Willowbrook Wildlife Center, and that the existing parking exceeds zoning requirements.

Adjournment

Chairperson Constantino adjourned the meeting at 7:39 p.m., following a voice vote on a motion by Member Crudele and seconded by Member Panther.

Respectfully submitted,

Barbara Dutton-Thomas
Recording Secretary



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

Meeting 10/11/2022 7:00 PM
Department: Community Development
Department Head: Marty Scott
Category: Public Hearing
Prepared By: Atrin Fard, Taylor Gendel

**AGENDA ITEM (ID
2022-2709)**

DOC ID: 2022-2709

364 Lorraine Road: Zoning Variation request to allow all freestanding accessory structures on the zoning lot to occupy 31.9 percent of the required rear yard where a maximum of 30 percent of a required rear yard or 1,000 square feet, whichever is less, is permitted to be covered by freestanding accessory structures.

Statement of the Issue:

Please see attached staff report.

Analysis:

Please see attached staff report.

Budget Impact:

N/A

Action Requested:

Please see attached staff report.

Attachments:

1. Staff Report 364 Lorraine
2. 1. Aerial
3. 2. Zoning
4. 3. 1' Contour Map
5. 4. Petitioners' Application Packet Dated 8.26.22
6. 5. Plat of Survey
7. 6. Site Plans
8. 7. Elevations
9. 8. Existing Conditions Photos
10. 9. Letters from Neighbors
11. 10. Drawings From Petitioner
12. 11. Petitioner's Hardship Explanation
13. 12. Public Hearing Notice 364 Lorraine
14. 13. Location Map for Public Hearing Notice
15. 14. Certificate of Publication

16. 15. Draft Findings of Fact

STAFF REPORT

TO: The Zoning Board of Appeals

FROM: Atrian Fard, Senior Planner
Taylor Gendel, Associate Planner

DATE: October 5, 2022

SUBJECT: October 11, 2022 – Zoning Board of Appeals Meeting
Public Hearing – Zoning Variation to allow all freestanding accessory structures on the zoning lot to occupy 31.9 percent of the required rear yard where a maximum of 30 percent of a required rear yard or 1,000 square feet, whichever is less, is allowed to be covered by freestanding accessory structures on the lot for the property at 364 Lorraine Road.

PETITIONERS: The petitioners are Craig and Erin Pavlich, owners of the property at 364 Lorraine Road.

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

1. Section 10-5-4(A)2(a) to allow all freestanding accessory structures on the zoning lot to occupy 31.92 percent of the required rear yard where a maximum of 30 percent of a required rear yard or 1,000 square feet, whichever is less, is allowed to be covered by freestanding accessory structures on the lot; and
2. Any other zoning relief necessary to allow the proposed detached garage 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 northwest side of Lorraine Road, between N. Kenilworth Avenue and Philips 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 September 26, 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: No Village records were found related to the granting of any zoning variations for this property.

PERMIT

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

property:

<u>Date</u>	<u>Permit No.</u>	<u>Type</u>
1957	B6287	Screened porch
1962	B8544	Detached garage
2007	B26767	Electrical service upgrade
2007	0016	Water connection service
2008	0719	Furnace & A/C replacement
2009	1495	Roof replacement
2010	0112	Roof replacement
2014	0708	Fence installation
2014	1563	Garage roof replacement

**EXISTING
CONDITIONS:**

	<u>R2 Lot Requirements [10-4-8(D)]</u>	<u>Subject Property Data</u>
Lot Area:	8,712 ft ² (0.20 acres)	8,754 ft ²
Lot Width:	80', corner lots; 66', all other lots	72.95'
Lot Coverage:	No more than 35% for one story principal structures	24.4% (2,137.77ft ²)
Front Yard:	30' (between 30' and 50' for new construction; but no closer than the closest principal structure on adjacent lots on the same side of the street)	38.52' actual
Side Yard:	6.5' or 10% of the lot width (7.29'), whichever is greater	9.85' (north); 5.96' (south)
Rear Yard:	40'	49.6'

**PROJECT
SUMMARY:**

The residence at 364 Lorraine Road currently has a lot coverage ratio of approximately 24.4%. The current house and detached garage were built in 1954 and 1962, respectively. The homeowners have lived on the property since 2013.

The homeowners would like to replace their current 443.77 square foot detached garage with a new 658.75 square foot garage.

Section 10-5-4(A)(2)(a) regulates how much of a zoning lot can be covered by freestanding accessory structures, which is a separate

requirement from the property's overall lot coverage ratio. Accordingly, the total combined area of all freestanding accessory structures on a zoning lot shall be limited to 1,000 square feet, but no more than 30 percent of a required rear yard, whichever is less. In the R2 Residential District, the minimum required rear yard is forty feet in depth. The subject lot has an irregularly shaped backyard, narrowing in the rearmost portion due to the adjacent curved streets bounding the block (Windsor and Chesterfield Avenues). This leads to an undersized rear yard, which restricts the required rear yard and the total area permitted for accessory structures on the lot.

According to the submitted plat of survey (2013), the subject lot has a required rear yard of 2,064 square feet. Thirty (30) percent of this area is 619.2 square feet, which is less than 1,000 square feet. Therefore, the total area of all freestanding accessory structures on the lot shall be limited to 619.12 square feet. As mentioned above, the proposed detached garage would measure 658.75 square feet, which results in a total of 31.92% of freestanding accessory structure on the lot, exceeding the requirements by 1.92%. Therefore, a variation from Section 10-5-4(A)(2)(a) will be required.

The petitioners ensure that the new garage will meet all setback, height, and easement requirements and not obstruct views or light from the neighboring properties. Their application includes signed letters of support from four neighbors. If the variation is not granted, the petitioners would need to build a two-story garage structure on the lot to achieve the same use and storage space. It is important to note that a taller structure with smaller footprint on the lot would be permitted by right and would be more visible from the neighboring properties.

PROPOSED:

In order to construct the detached garage as proposed, the petitioner would need to be granted a variation from the Zoning Code to allow all freestanding accessory structures on the zoning lot to occupy 31.9 percent of the required rear yard where a maximum of 30 percent of a required rear yard or 1,000 square feet, whichever is less, is allowed to be occupied by freestanding accessory structures on the lot.

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 the proposed one-story addition in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code.

ATTACHMENTS:

1. Aerial Photograph of site and surrounding properties
2. Zoning Use Map
3. 1' Contour Map
4. Petitioners' Application Packet Dated August 26, 2022
5. Plat of Survey
6. Site Plans
7. Elevations
8. Existing Conditions Photos
9. Petition from Neighbors
10. Drawings Submitted by Petitioner
11. Petitioner's Explanation of Hardship
12. Public Hearing Notice
13. Location Map for Public Hearing Notice
14. Certificate of Publication
15. Draft Findings of Fact

cc: Martin Scott, Community Development Director
Paula Moritz, Plan Reviewer
Craig and Erin Pavlich, Property Owners
Jamie Simoneit, Architect

*X:\Plandev\BUILDING\ZBA\5. VARIATION BY ADDRESS\L\LORRAINE\364 LORRAINE\ZBA\Staff
Report 364 Lorraine.doc*



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Print Date: 10/3/2022

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
- R4: Multi-Family Residential District

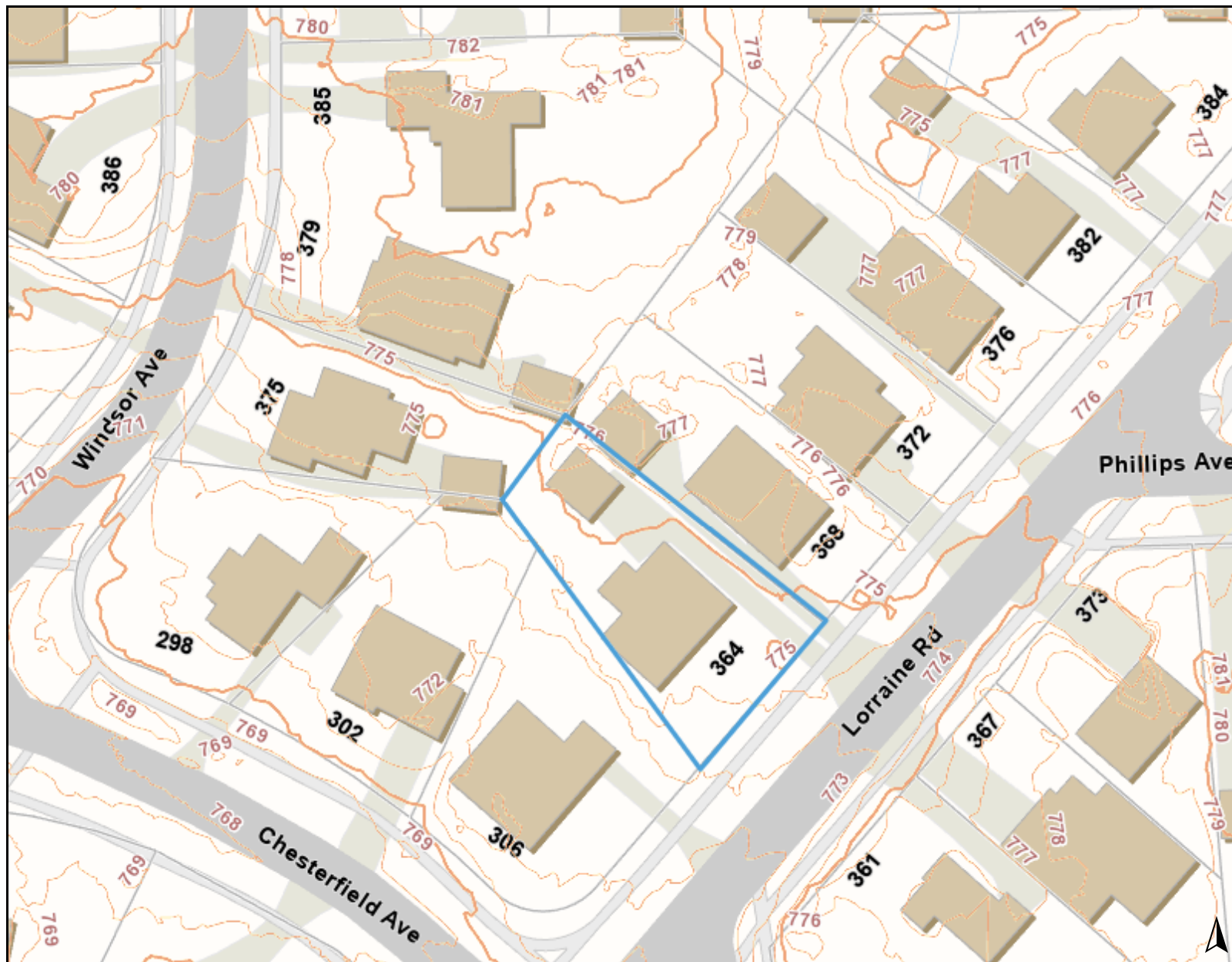
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Print Date: 10/3/2022

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GIS Consortium | 1' Contour Map: 364 Lorraine Road



Legend

DuPage County

DuPage County 1' 2017 Contours

- Contour Line, Intermediate
- Contour Line, Major

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Print Date: 10/3/2022

Notes

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

CLEAR ALL PAGES

APPLICATION FOR VARIATION

For the property at 364 Lorraine St Glen Ellyn, IL 60137

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

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

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

I. APPLICANT INFORMATION:

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

Name: Craig & Erin Pavlich

Address: 364 Lorraine St

Home Phone No.: (614)354-3562 Cell Phone No.: (614)354-3562

Fax No.: _____

E-mail: craig.pavlich@gmail.com, erin.pavlich@gmail.com

Ownership Interest in the Property in Question:

Fee Simple

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):

Erin Pavlich & Craig Pavlich
364 Lorraine St.
Glen Ellyn, IL 60137

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

Self

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: 364 Lorraine St.

Permanent tax index number: 05-15-201-019

Legal description:

Lot 6 and that part of Lot 7 described as follows: Beginning at the easterly corner of said lot 7, thence northwesterly along the northeasterly line of said lot 7 to most northerly corner of lot 7; thence southwesterly along the northwesterly line of said lot 7, a distance of 3 feet 6 inches; thence southeasterly to the place of beginning, in block 1 in Chesterfield Heights, being a subdivision om sections 10 and 15, township 39 north, range 10, east of the third principal meridian, according to the plat thereof recorded October 9, 1924 as document 183453, in DuPage County, Illinois.

Zoning classification: R2

Lot size: 72.95 ft. x 140 ft. Area: 8754 sq. ft.

Present use:

Single Family Residence

IV. INFORMATION REGARDING THE VARIATION(S) REQUESTED:

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

We seek a variation with regards to 10-5-4. (A).2.(a) which limits accessory structures to no more than 30% of the required rear yard. We would like to replace our existing garage with a larger garage.

According to the Village's calculations, the garage we wish to build is 658.75 square feet and our required rear yard is 2,064 square feet, with resulting a rear lot coverage ratio of 31.9%.

We believe a variation should be granted for the following reasons:

(1) The irregular shape of our lot combined with the way the village chooses to calculate rear lot area results in our rear yard area being calculated smaller than it would be for a rectangular lot of the same area. As such, the new garage would exceed accessory lot coverage ratio requirements by 1.9%. Therefore, the requested variance is appropriate because the "shape or topographical condition of the specific property involved would bring a particular hardship."

(2) The proposed garage area is below the maximum square footage of 660 sf for detached garages provided by TABLE 10-5-5(B)4.15.(c).

In the alternative, we seek to increase our Rear Setback by 2.5ft. This would compensate for our oddly shaped lot and result in a accessory structure coverage ratio of 30%.

Estimated date to begin construction: ASAP

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

Jamie Simoneit
Z+O Architecture + Interiors
504 Hillside Avenue
Glen Ellyn, IL 60137
630-858-5888 zplusoai@gmail.com

Victor Cardona, P.E.
111 N. Old Plank Road
Bensenville, IL
847-323-2686 avilaone@hotmail.com

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:

Because our lot narrows in the rearmost 40 feet that the Village uses to calculate rear lot coverage ratio, our rear yard area is calculated smaller than it would be for a rectangular lot of the same area.

The village plan examiners' method of applying only the last 40 feet of the rear yard to calculate the allowable accessory structure coverage (30%) in 10-5-4.(A).2.(a) has no effect on the allowed square footage of accessory structures on rectangular lots that meet minimum lot size requirements in the R2 zoning district, because the maximum detached garage size of 660 sf always satisfies the 30% rear lot coverage ratio on rectangular lots with the minimum rear yard setback. Our property meets all R2 zoning requirements, but because of its odd shape, we are not allowed the full 660 sf garage. As such, 10-5-4.(A).2.(a) disproportionately impacts irregular lots such as ours. Please see the attached explanatory Exhibit 9.

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):

see b.

OR

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

The adjacent curved streets bounding our block (Windsor and Chesterfield Ave) create an irregularly shaped block with irregularly shaped plots. Most lots in R2 district are rectangular.

Our uniquely shaped lot combined with the Village's interpretation of 10-5-4.(A).2.(a) result in a disproportionate restriction on accessory building (detached garage) square footage.

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

All regular (rectangular) shaped interior lots conforming with all R2 district zoning requirements (10-4-8.E.2) are allowed the maximum detached garage footprint of 660 square feet. As such, the proposed 658.75 square foot garage would not be out of character.

The design of our garage is intended to match the architectural character of our home and neighborhood, and will have minimal visible impact to adjoining properties.

Our neighbors understand and approve our design. Please see attached letters in Exhibit 8.

- 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 "Zoning Code Variation Guidelines for Particular Hardship and Practical Difficulty Criteria" (attached), provides that "[a] platted lot that is uniquely shaped and when the zoning code is applied, interferes with the buildable area of the lot" as an example of variance request that have hardship.

The attached plat of survey illustrates that our lot is uniquely shaped. Likewise, the attached materials also demonstrate the the minimum rectangular lot allowed by R2 zoning rules would allow for our proposed garage. Therefore, the sole reason we our garage is limited is because our property is irregularly shaped.

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 adjacent curved streets bounding our block (Windsor and Chesterfield Ave) create an irregularly shaped block with irregularly shaped plots. Most lots in R2 district are rectangular.

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:

Our property, in compliance with zoning codes, is solely for residential use. It has no commercial purpose and we intend to use the home as a primary residence indefinitely.

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.

We did not create the block shape, or resulting lot shape of our property. The lot & house predate the current zoning code (1954).

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 proposed garage will meet all setback and height restrictions. It will not obstruct views or the light of neighboring properties.

The new garage will be a safe structure built to modern building codes.

6. Provide evidence that the proposed variation will not:

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

Due to the placement of trees, other garages, fences, and garage location, the additional square footage will not be visible to any neighbors.

Please see the included views, renderings, and photographs, including our neighbors' signed support letters for our proposed design.

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

The new garage will be a safe structure built to modern building codes. The new garage also complies with all setbacks.

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

The proposed structure replaces an existing structure for the same purpose.

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

The proposed structure replaces an existing structure for the same purpose.

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

The proposed structure replaces an existing structure for the same purpose.

- f. Create a nuisance; or

The proposed structure replaces an existing structure for the same purpose.

- g. Results in an increase in public expenditures.

The proposed structure replaces an existing structure for the same purpose.

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

According to the Village's calculations, the garage we wish to build is 658.75 square feet and our "required rear yard" is 2,064 square feet, with a resulting rear lot coverage ratio of 31.9%. This exceeds the maximum accessory structure coverage requirement by 1.9%.

Without a variation, in order to achieve the same use and storage space, we would have to build a taller structure that would be more visible by our neighbors and inconsistent with surrounding low garages. A variation would allow us to achieve a useful structure that would have the least impact on our neighbors.

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

Please see attached analysis (Exhibit 9) that demonstrates how an irregularly shaped interior lot like ours (even a substantially under-built one) could be unfairly impacted by the current interpretation of 10-5-4.(A).2.(a).

Further, the Plan Examiners' current interpretation of 10-5-4.(A).2.(a) is contested. The presently employed definition, including a rear setback line, follows the language "for all corner lots" leaving some ambiguity about how the rule should be applied in the case of interior lots like ours.

Our goal is to construct an architecturally consistent and modernized replacement detached garage that complies with all zoning regulations. We believe we have done so, with the exception of the ambiguity surrounding the application of section 10-5-4.(A).2.(a) for which we are seeking variance.

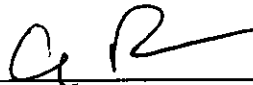
VI. CERTIFICATIONS, CONSENT AND SIGNATURE(S)

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>8/26/2022</u>	<u>Craig Pavlich</u>	<u></u>
Date	Print Name	Signature of Applicant
<u>8/26/2022</u>	<u>Erin Pavlich</u>	<u></u>
Date	Print Name	Signature of Applicant
<u> </u>	<u> </u>	<u> </u>
Date	Print Name	Signature of Applicant

KABAL SURVEYING COMPANY
Land Surveying Services
Plot of Survey

Lot 6 and all that part of Lot 7 described as follows: Beginning at the Easterly corner of said Lot 7; thence Northwesterly along the Northeastly line of said Lot 7 to most Northerly corner of Lot 7; thence Southwesterly along the Northwesterly line of said Lot 7, a distance of 3 feet 6 inches; thence Southeasterly to the place of beginning, in Block 1 in Chesterfield Heights being a subdivision in Sections 10 and 15, Township 39 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded October 9, 1924 as Document 183453, in DuPage County, Illinois.

[illegible]

Scale: 1 inch = 20 ft.
Order No. 130804
Ordered By: Joseph M. Dvorak, Attorney

A circular professional seal for Stephen J. Bales, a Professional Land Surveyor in the State of Illinois. The seal features the text "STEPHEN J. BALES" at the top, "1712 PROFESSIONAL LAND SURVEYOR STATE OF ILLINOIS" in the center, and "WESTCHESTER, ILLINOIS" at the bottom. Two stars are positioned on the left and right sides of the seal.

ORIGINAL SEAL IN RED


 Illinois Professional Land Surveyor No. 035-001712
 My license expires on November 30, 2014

Exhibit 4

Existing Site Plan

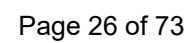


Exhibit 5

Proposed Site Plan

proposed site plan

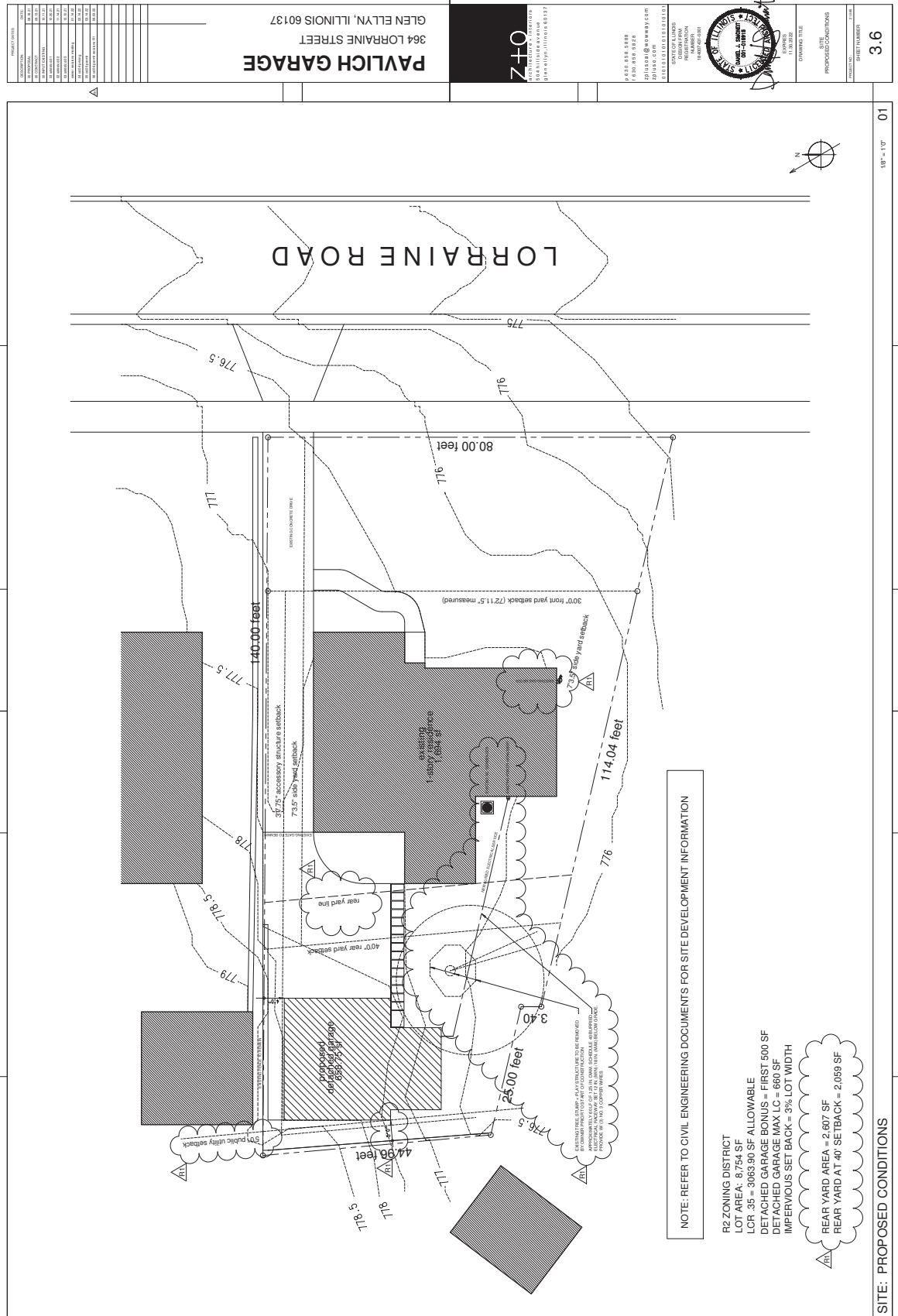
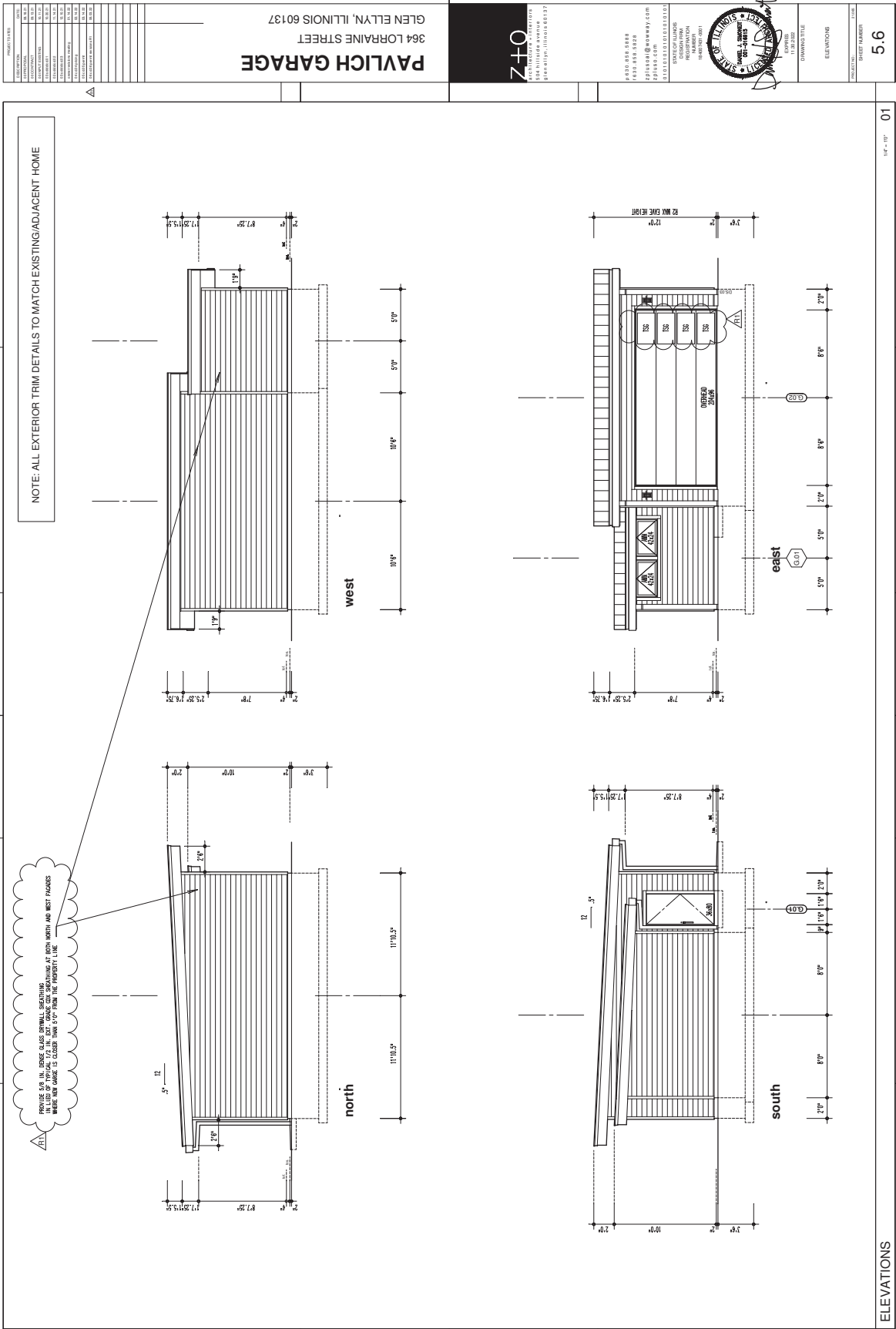


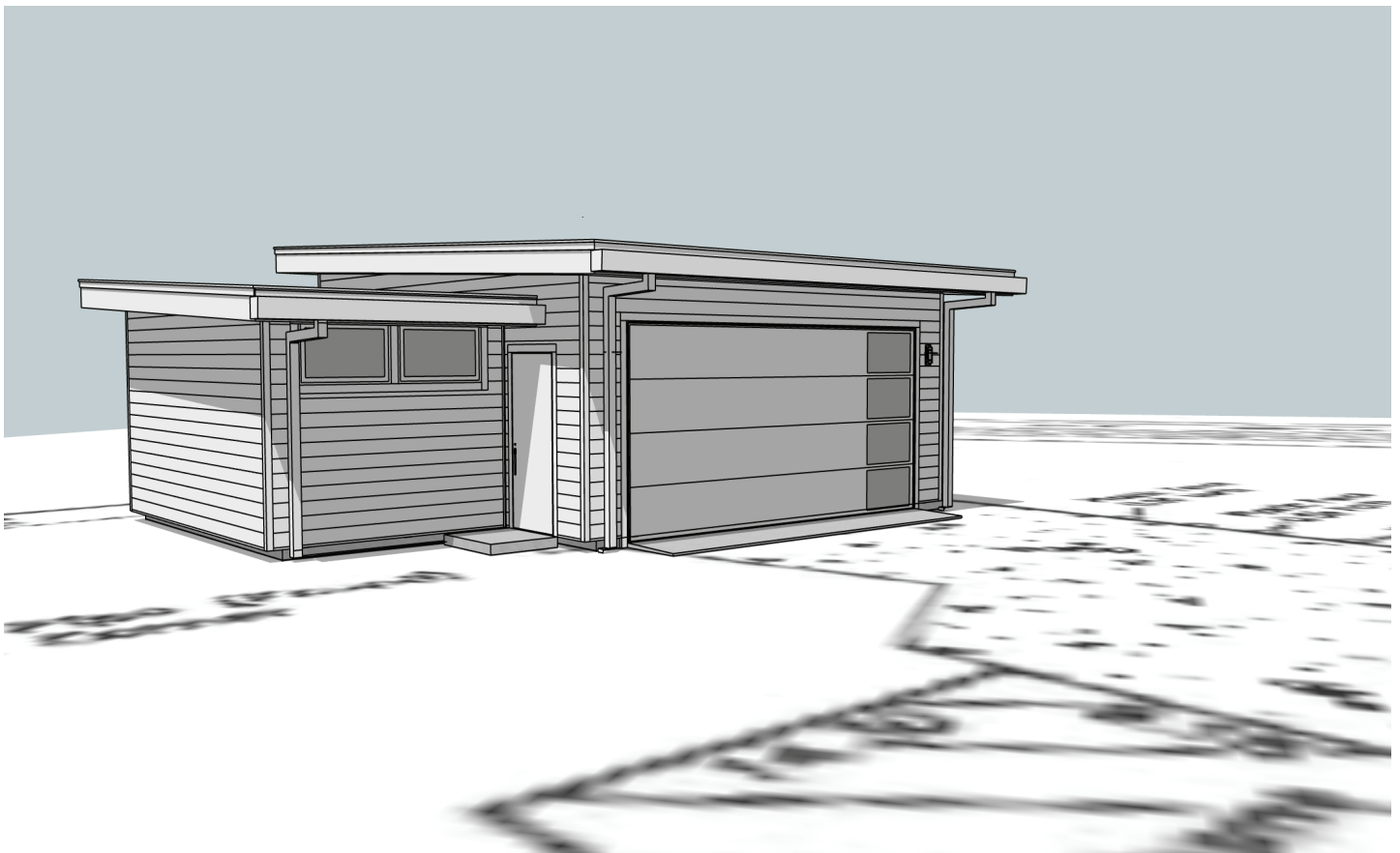
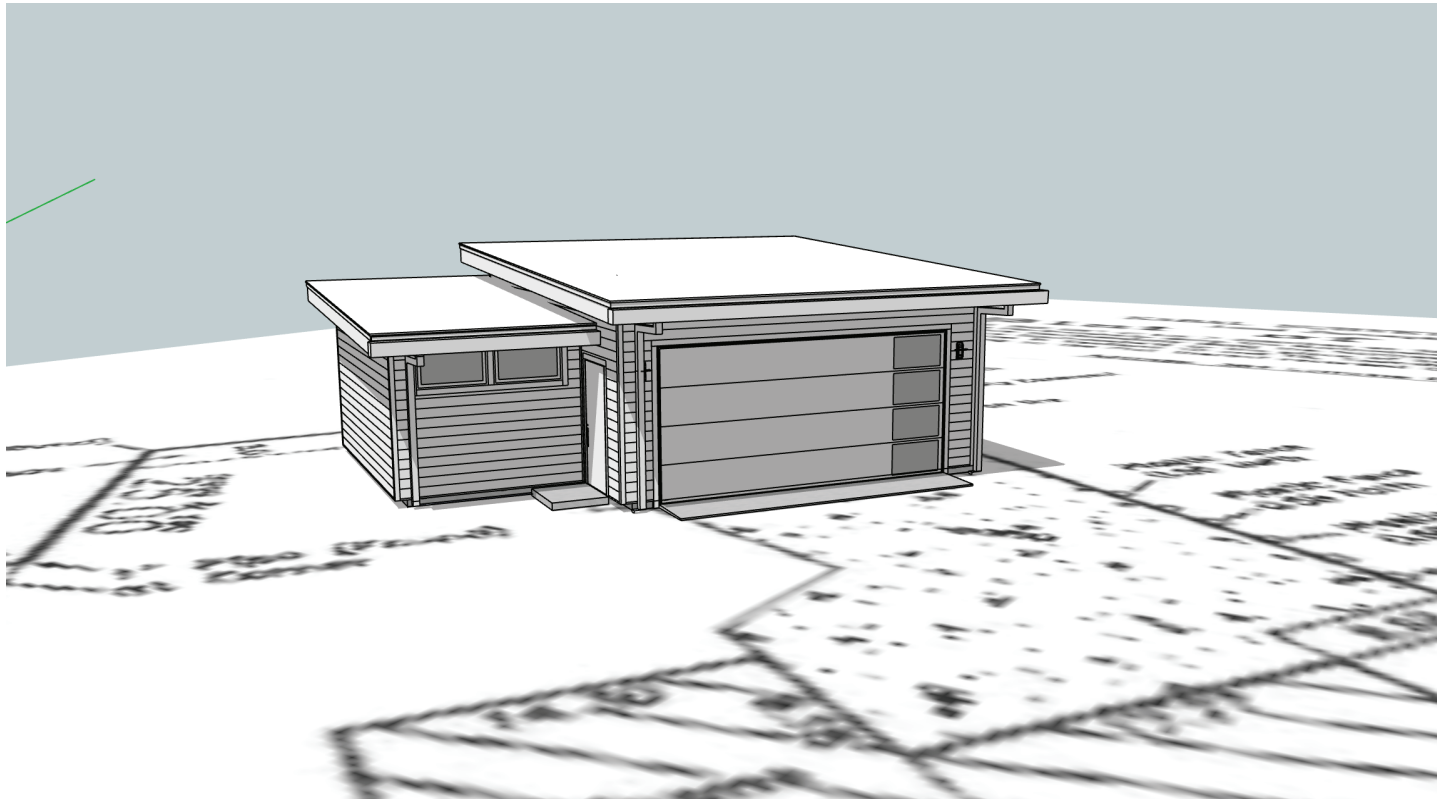
Exhibit 6

Proposed Elevations and Models

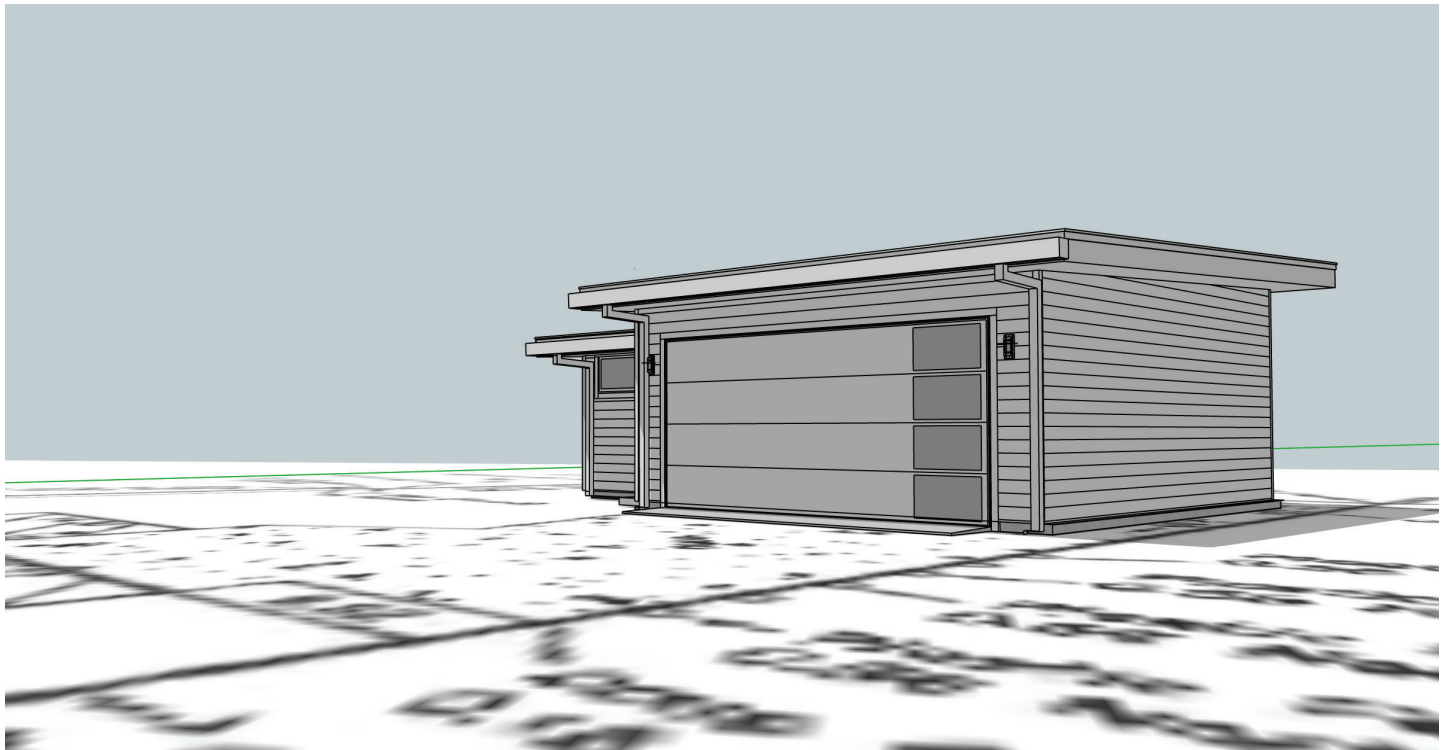
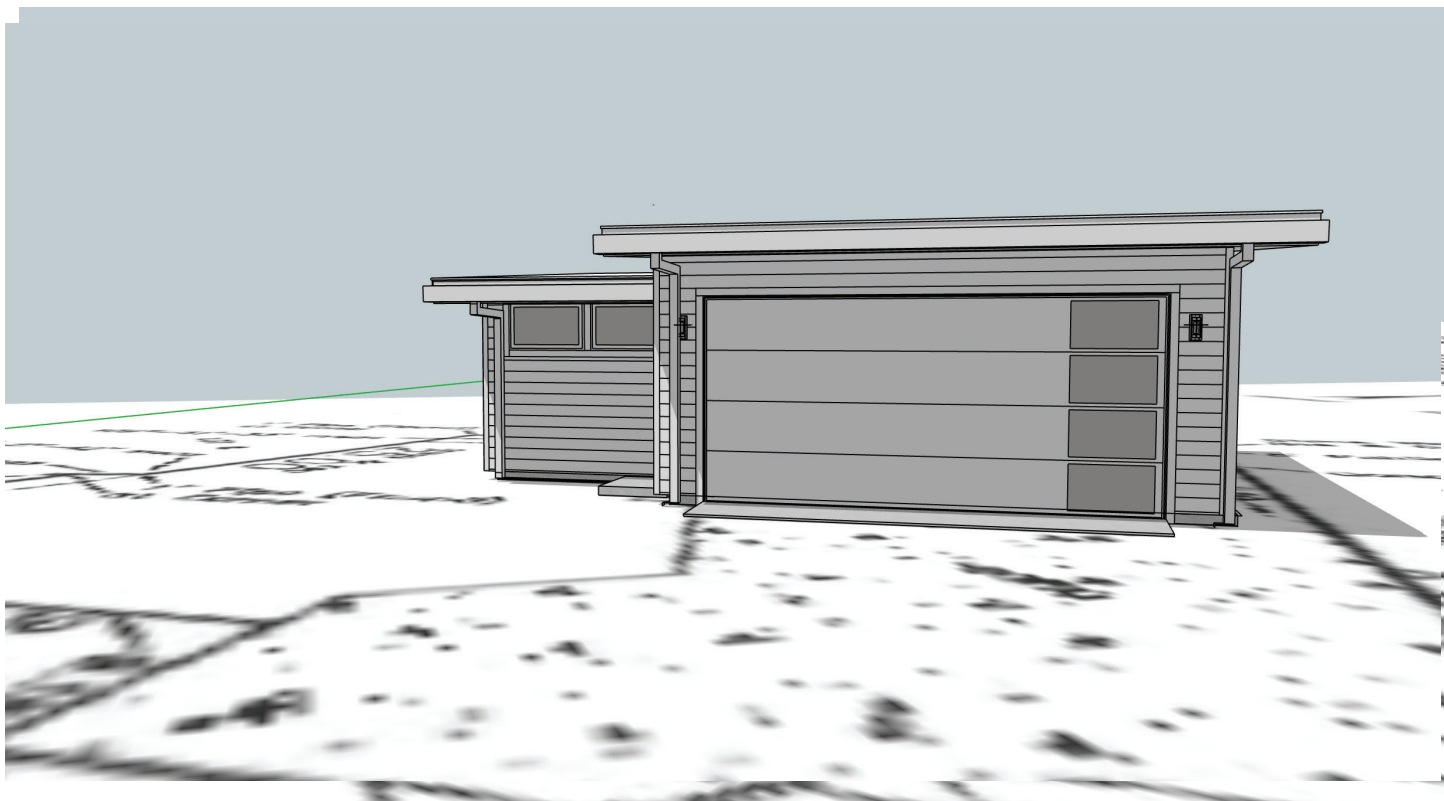
proposed exterior elevations



3d model study.01 - proposed



3d model study.01 - proposed



Existing Condtions - east/front yard



Existing Condtions - west/rear yard



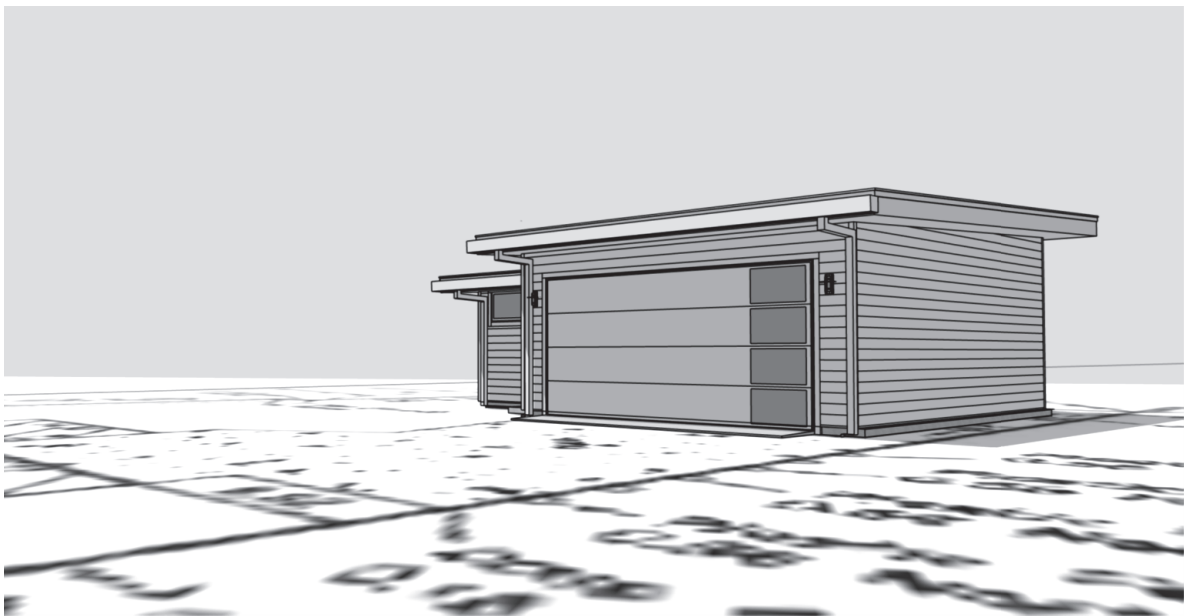
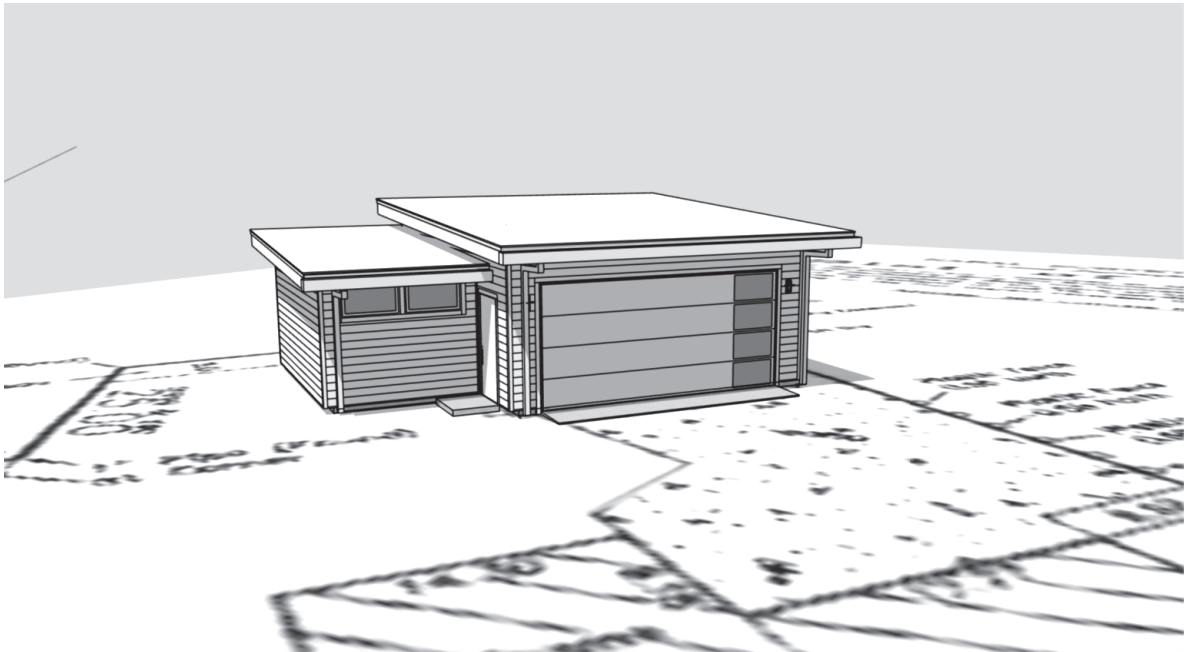
Exhibit 8

Supportive Adjoining Neighbor Letters

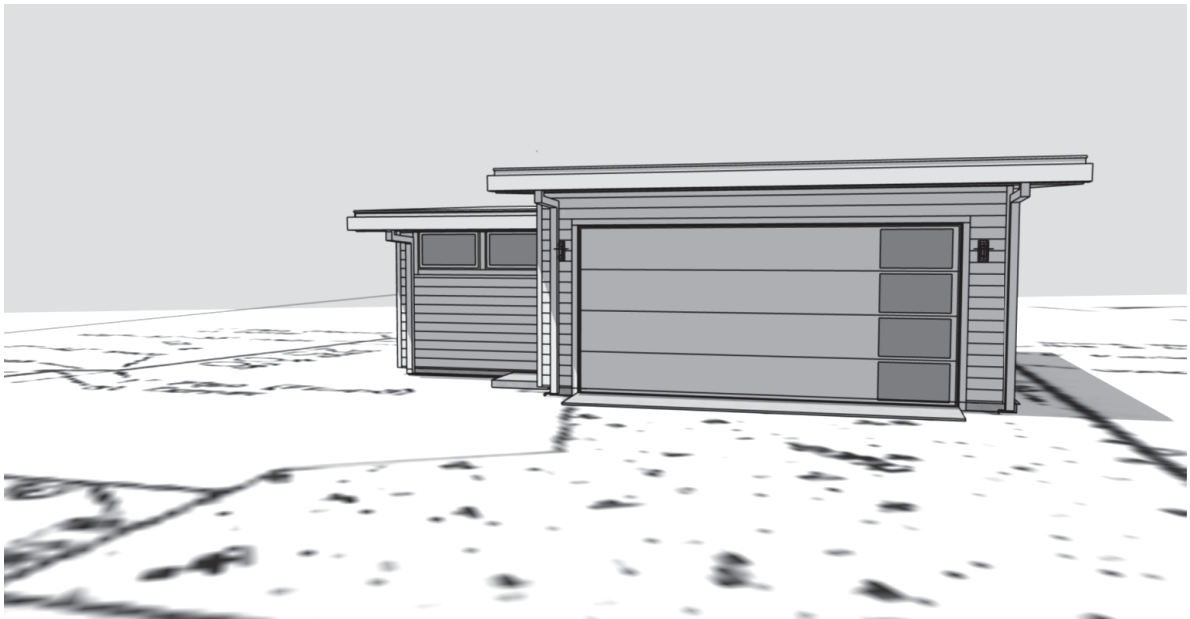
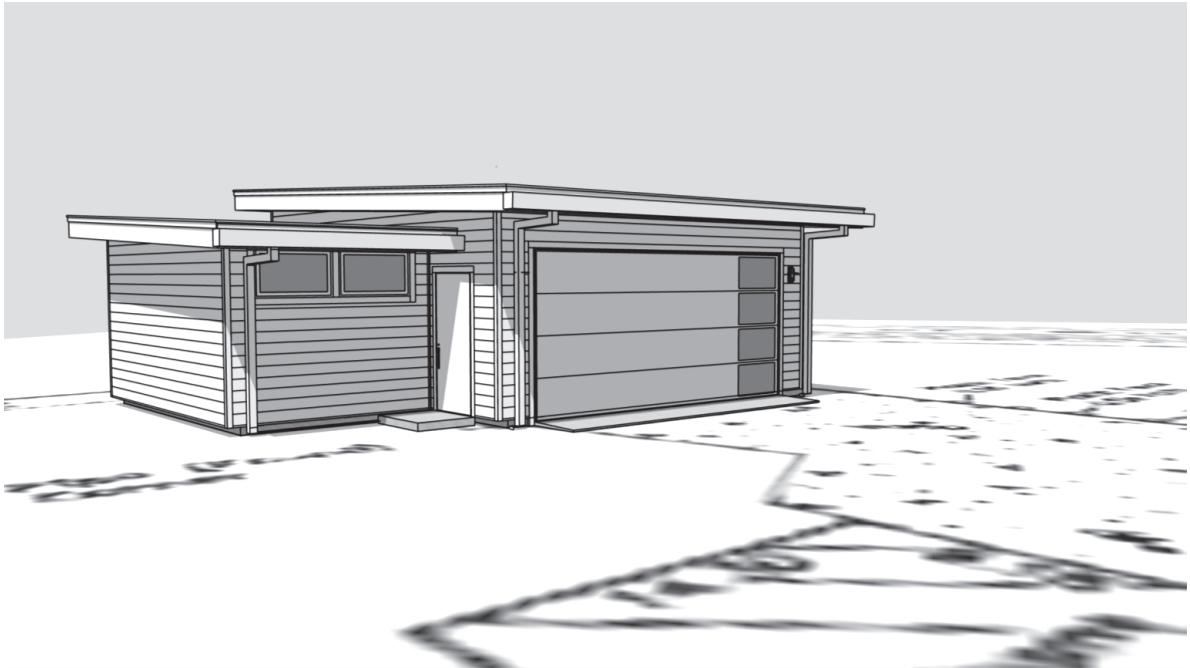
Esteemed Neighbor,

As you are likely aware, Erin and I have planned to construct a new Garage and Driveway for some time, to replace the deteriorating ones on our property, and as well to resolve drainage issues stemming from the existing structures.

Our submitted plan includes lowering the garage footprint 1ft from its existing base, then constructing an expanded, low-sloped roof (12ft maximum) structure that we believe would be architecturally harmonious with our existing house and your surrounding properties. Please see the renderings below:



Renderings of proposed Garage continued:



Existing Garage for Comparison:



In an effort to maximize the utility of our construction and in the interest of preservation, to ensure the continued practicality of our lovely but small vintage home, we hoped to expand the storage space of our garage to the maximum allowable (660 sq ft) on our lot. Unfortunately, through a technicality (we believe, caused by a misinterpretation of the code - which is another story), the village is currently limiting our design to 618 sq ft. As such, we are faced with 2 options:

1. Seeking a variance to allow our proposed design to be built.
2. Redesigning our garage to a smaller footprint, but taller, high sloped roof structure (up to 22ft high).

It is for this reason we are seeking your input and blessing. With the exception of our increased footprint, we fully intend to comply with all other regulations: architectural, building, and safety standards that might affect your property. Further, we plan to use this construction as an opportunity to clean up several unsightly/un-landscaped areas, and we welcome your input. We firmly believe that our original low-sloped design is in the best interest of our village and you, our neighbors.

If you agree with our plan and would like to remit your approval of our requested variance to the Village Zoning Board of Appeals, please sign below:

I approve the request for variance by Craig & Erin Pavlich (364 Lorraine St, Glen Ellyn) to increase the permissible footprint of their proposed garage from its current (interpreted) limit of 618 sq ft, to the maximum allowable 660sq ft, in support of the proposed plan:

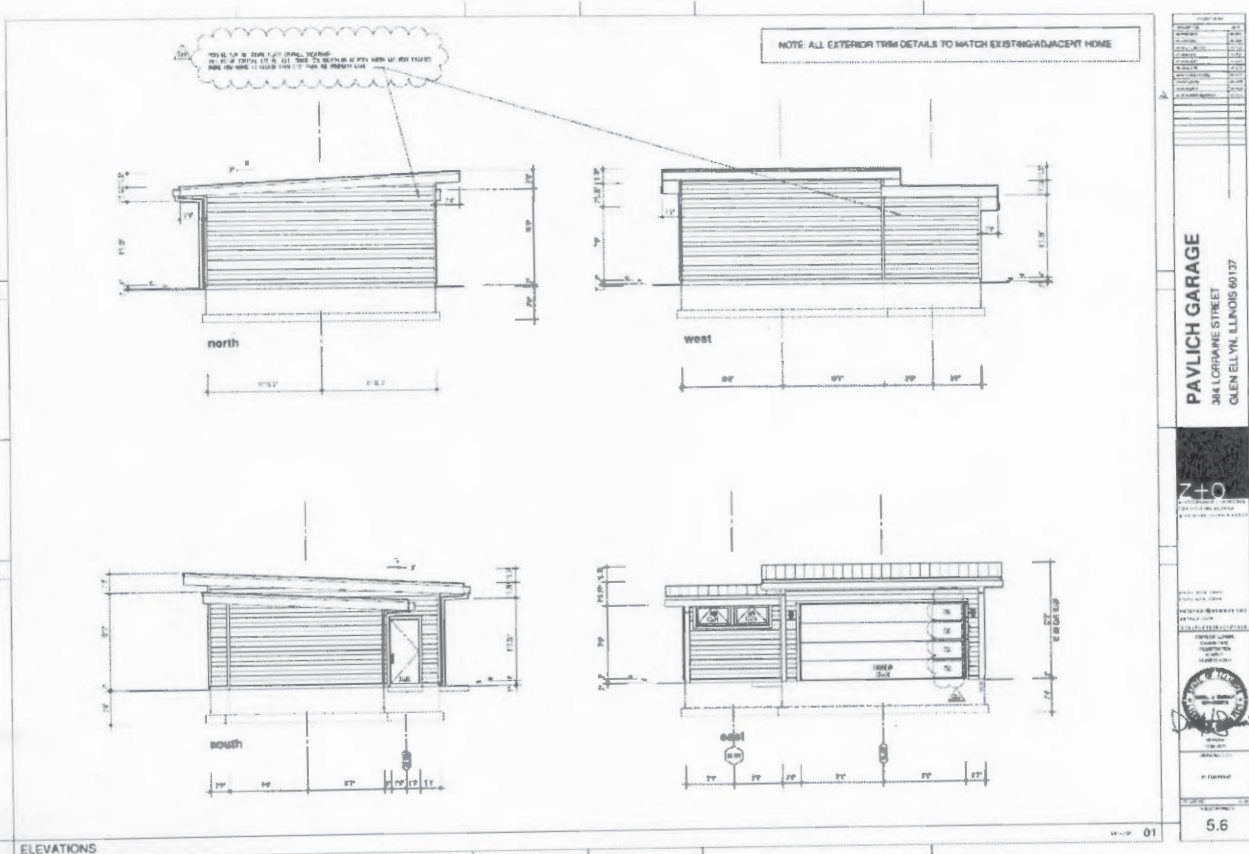
Print Name: Jane Moran

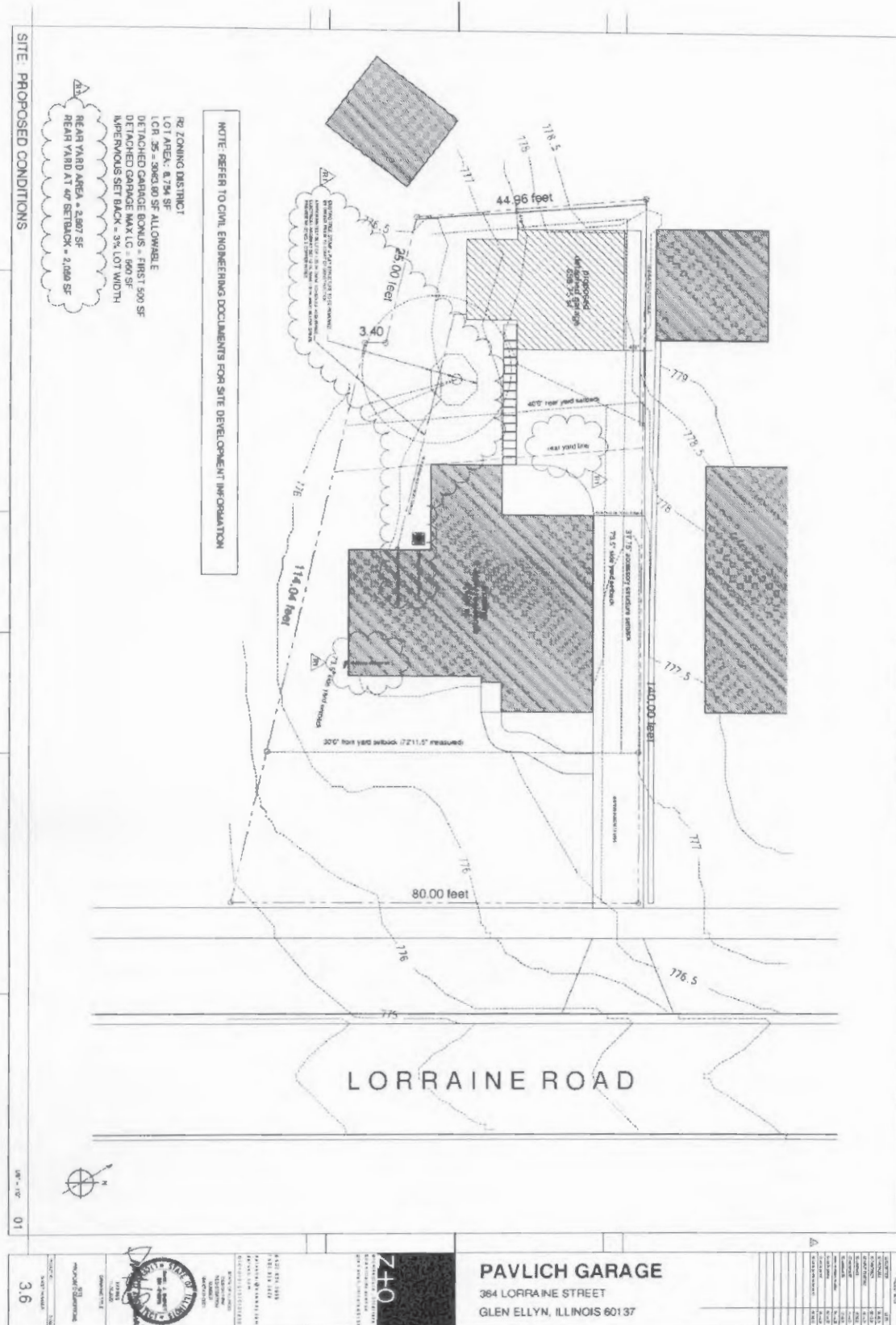
Address: 319 Windsor Ave.

Signature: [Signature]

Date: 8/21/22

Supported proposed plan for 364 Lorraine St, detached garage.





Print Name: Blake Ogilvie

Address: 368 Lorraine

Signature: 188

Date: 8/13/22

NOTE: ALL EXTERIOR TRIM DETAILS TO MATCH EXISTING/ADJACENT HOME

PAVLICH GARAGE
304 LORRAINE STREET
GLEN ELLYN, ILLINOIS 60137

Z+0

ELEVATIONS

Materials and Quantities Table:

Material	Quantity
Concrete	1.00
Brick	1.00
Wood	1.00
Roofing	1.00
Paint	1.00
Hardware	1.00
Electrical	1.00
Plumbing	1.00
Other	1.00

North Elevation: Shows the front of the garage with a gabled roof. Dimensions include a total width of 18'0" and a height of 10'0".

West Elevation: Shows the side of the garage. Dimensions include a total width of 24'0" and a height of 10'0".

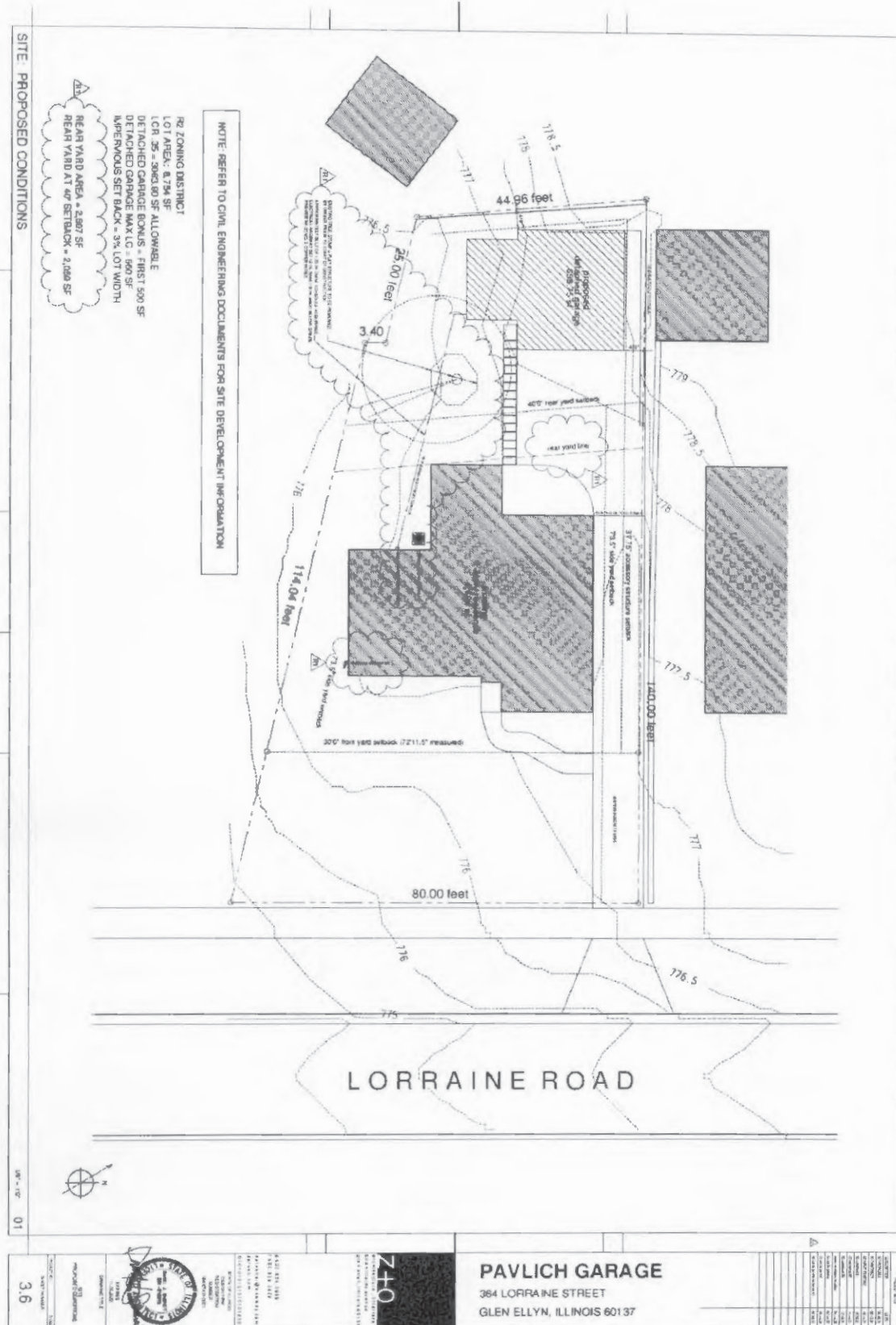
South Elevation: Shows the rear of the garage. Dimensions include a total width of 18'0" and a height of 10'0".

East Elevation: Shows the side of the garage with a small entrance. Dimensions include a total width of 24'0" and a height of 10'0".

Notes:

- NOTE: ALL EXTERIOR TRIM DETAILS TO MATCH EXISTING/ADJACENT HOME
- NOTE: ALL EXTERIOR TRIM DETAILS TO MATCH EXISTING/ADJACENT HOME

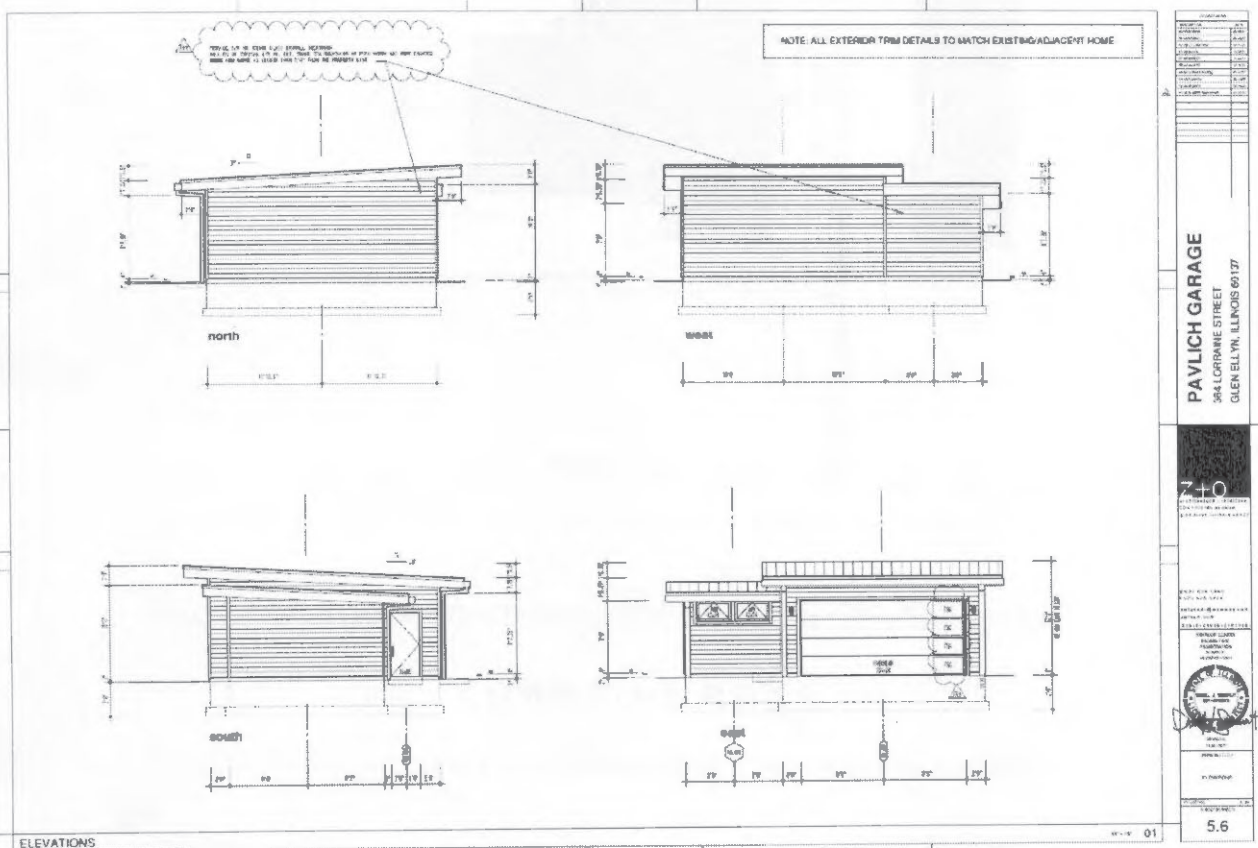
Supported proposed plan for 364 Lorraine St, lot layout.



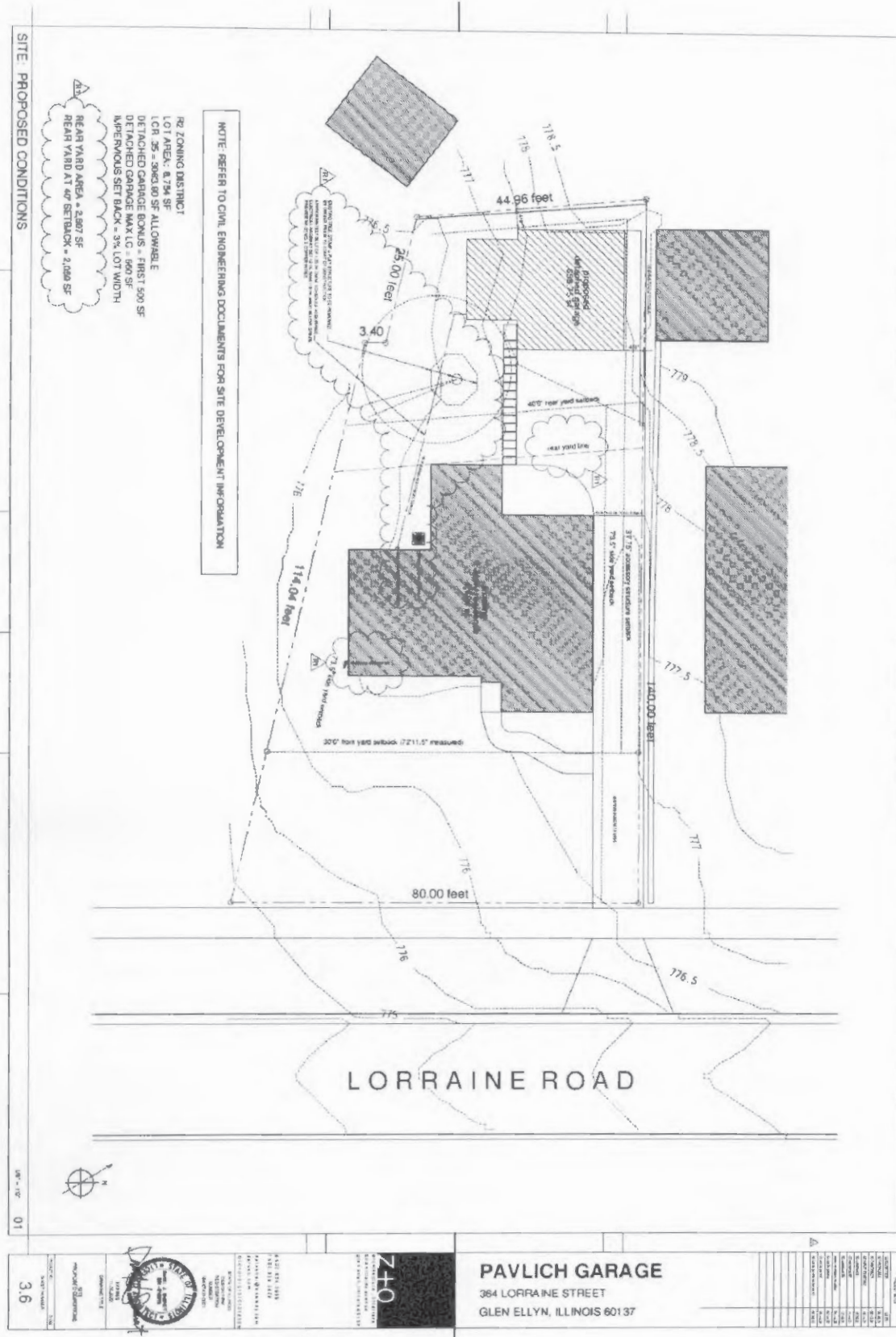
I approve the request for variance by Craig & Erin Pavlich (364 Lorraine St, Glen Ellyn) to increase the permissible footprint of their proposed garage from its current (interpreted) limit of 618 sq ft, to the maximum allowable 660sq ft, in support of the proposed plan:

Print Name: Karen Olson
Address: 375 Windsor
Signature: Karen Olson
Date: 8-21-22

Supported proposed plan for 364 Lorraine St, detached garage.



Supported proposed plan for 364 Lorraine St, lot layout.



I approve the request for variance by Craig & Erin Pavlich (364 Lorraine St, Glen Ellyn) to increase the permittable footprint of their proposed garage from its current (interpreted) limit of 618 sq ft, to the maximum allowable 660sq ft, in support of the proposed plan:

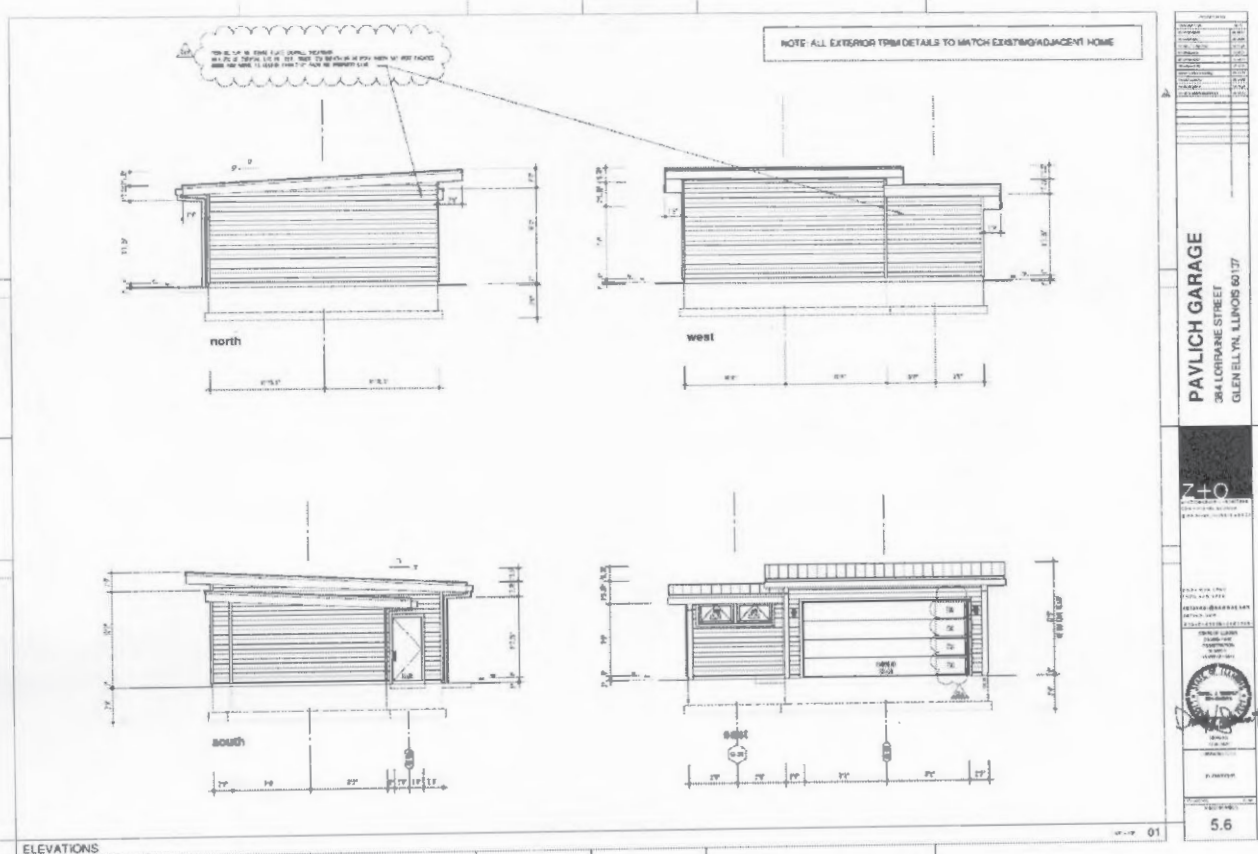
Print Name: Erin Pavlich

Address: 306 Chesterfield Ave

Signature: [Signature]

Date: 8/21/22

Supported proposed plan for 364 Lorraine St, detached garage.



Supported proposed plan for 364 Lorraine St, lot layout.

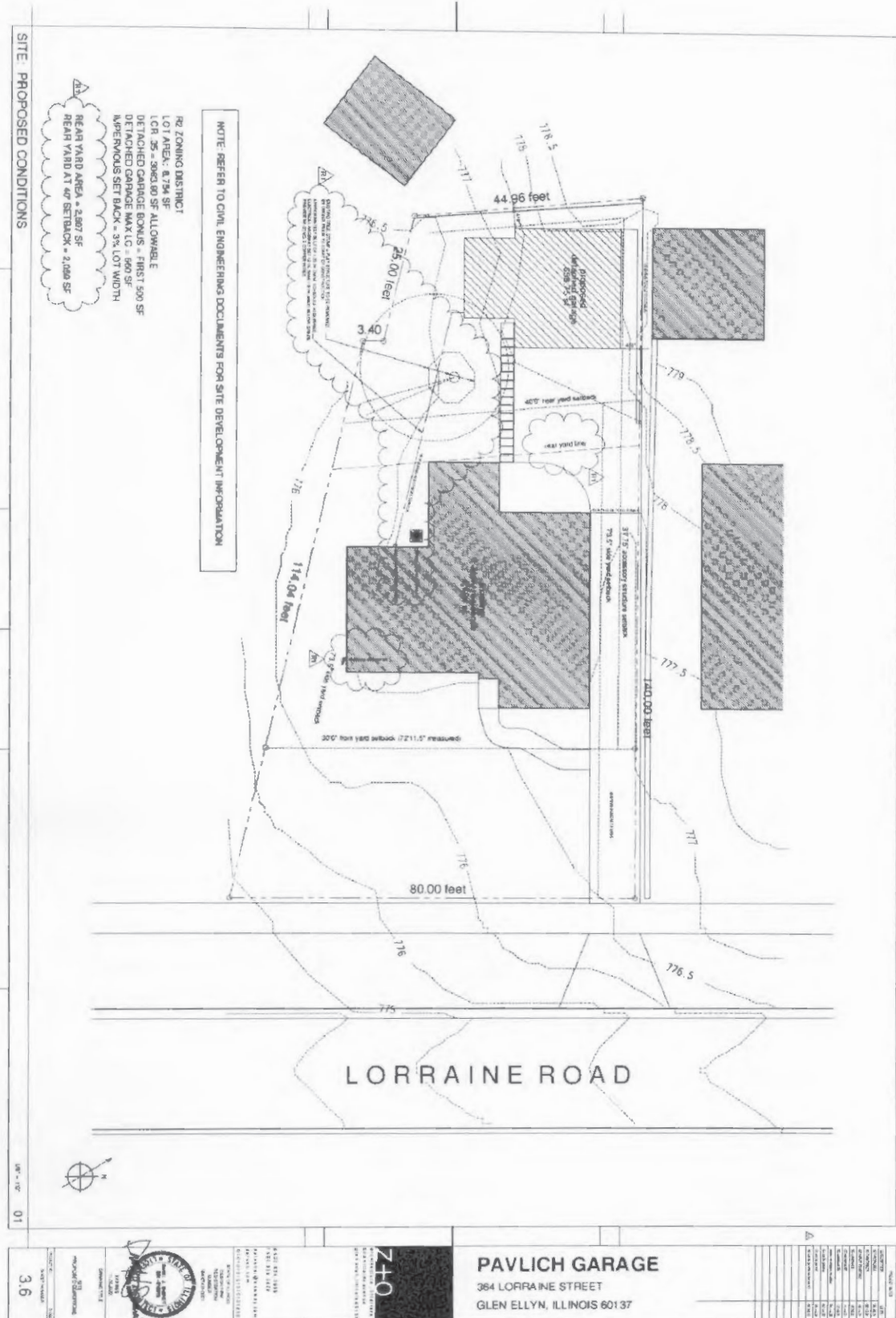
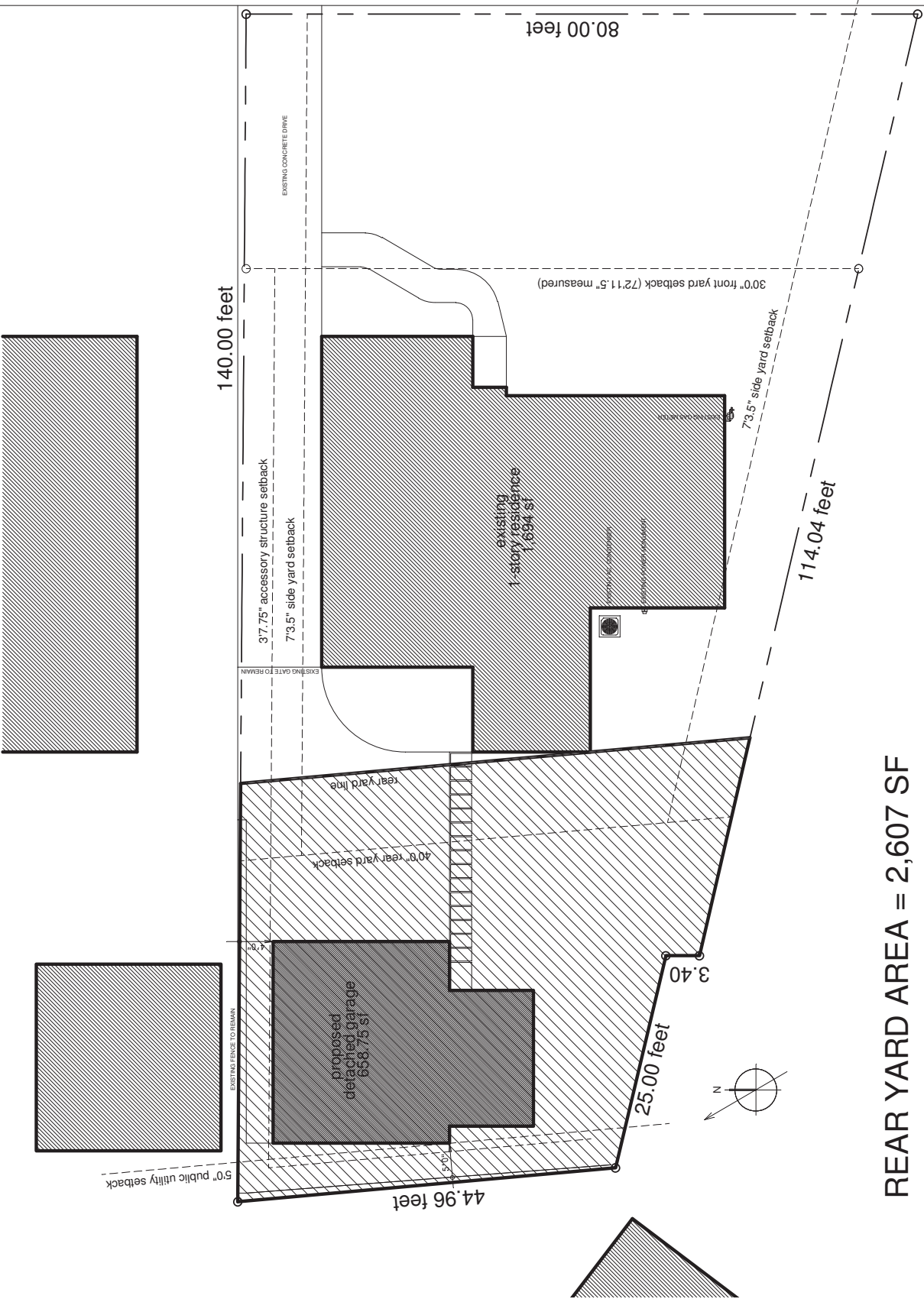


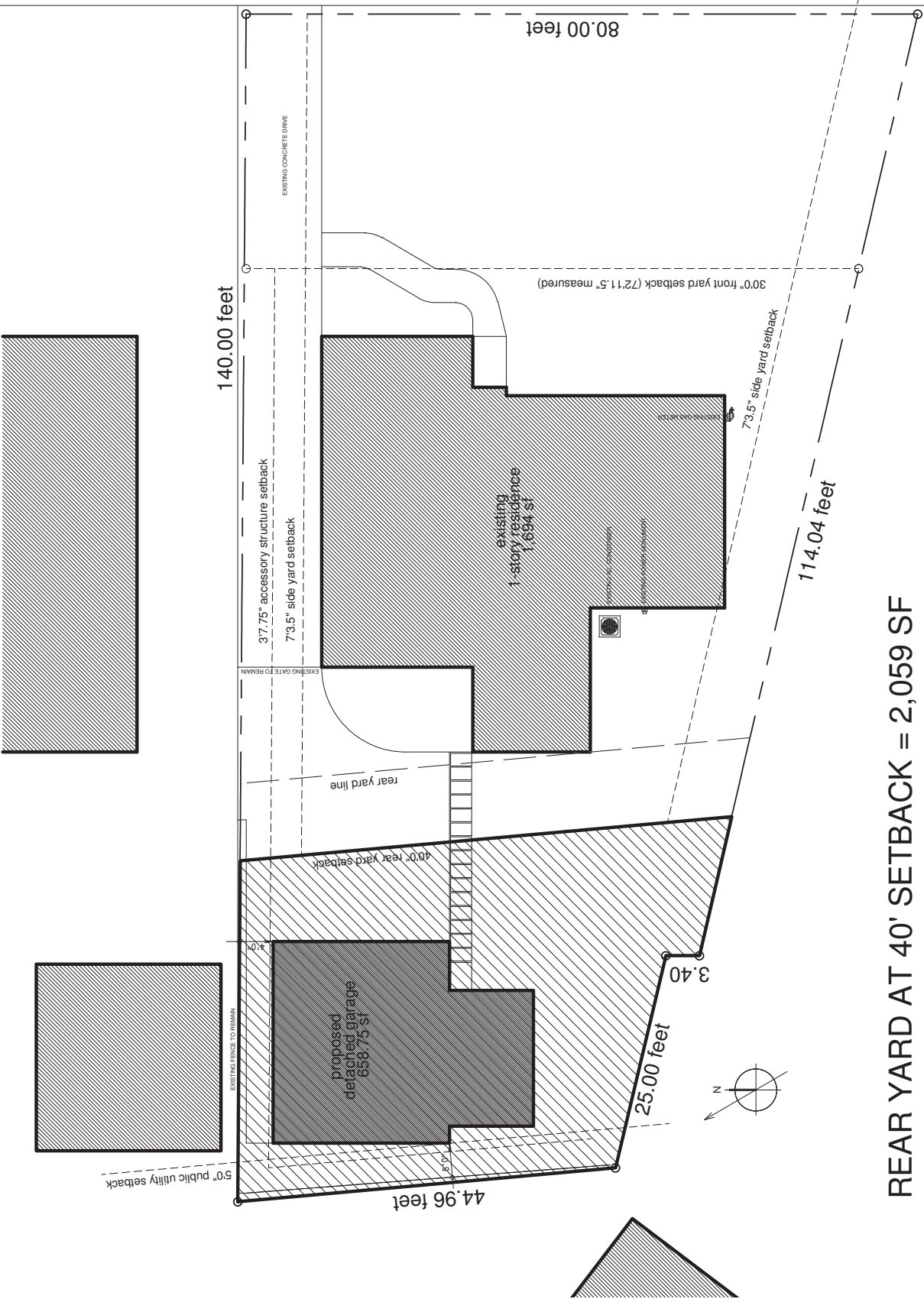
Exhibit 7

Drawings Illustrating Rear Lot Coverage Calculations

rear yard sf study - definitioni



rear yard sf study - at setback

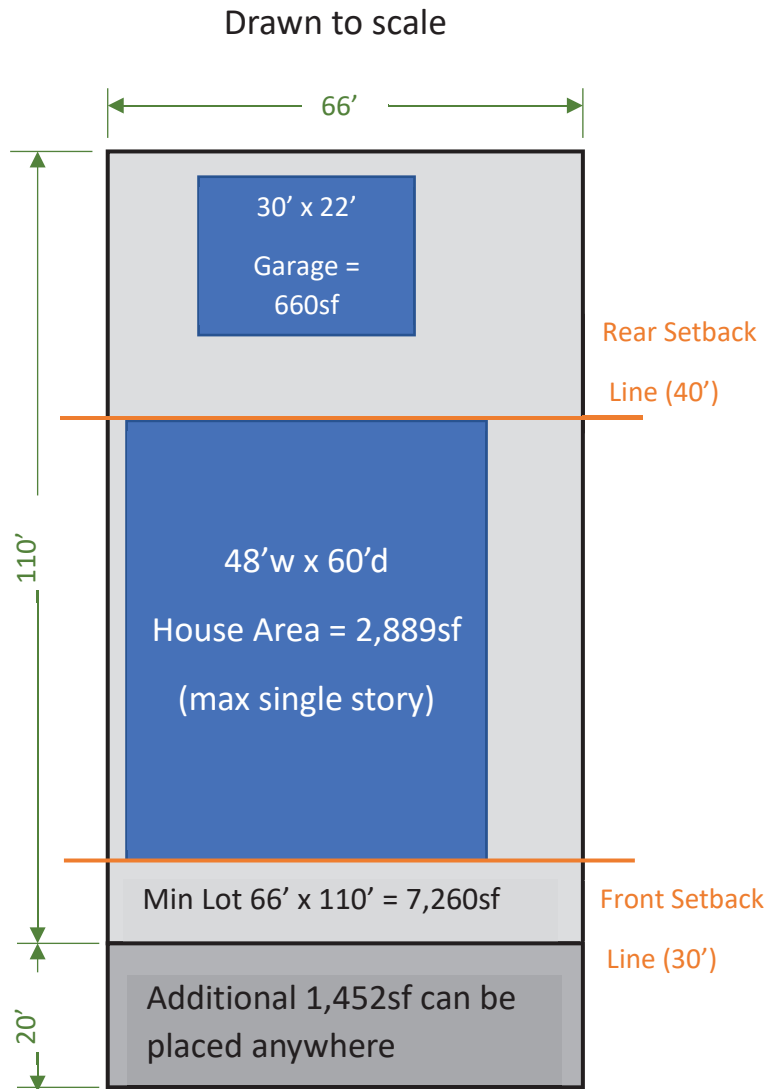


REAR YARD AT 40' SETBACK = 2,059 SF

Exhibit 9

Materials Explaining Hardship

The minimum dimensioned rectangular lot in R2 Zoning District is allowed the maximum garage size of 660 sf.



Lot Dimensions/Area: The lot depicted meets minimum requirements in the R2 zoning district with the minimum required rear yard.

Lot Coverage: This lot complies with overall lot coverage requirement of 35% for a single story per 10-4-8.E.2.

Accessory Building Lot Coverage: The lot allows for the maximum size garage of 660 sf.

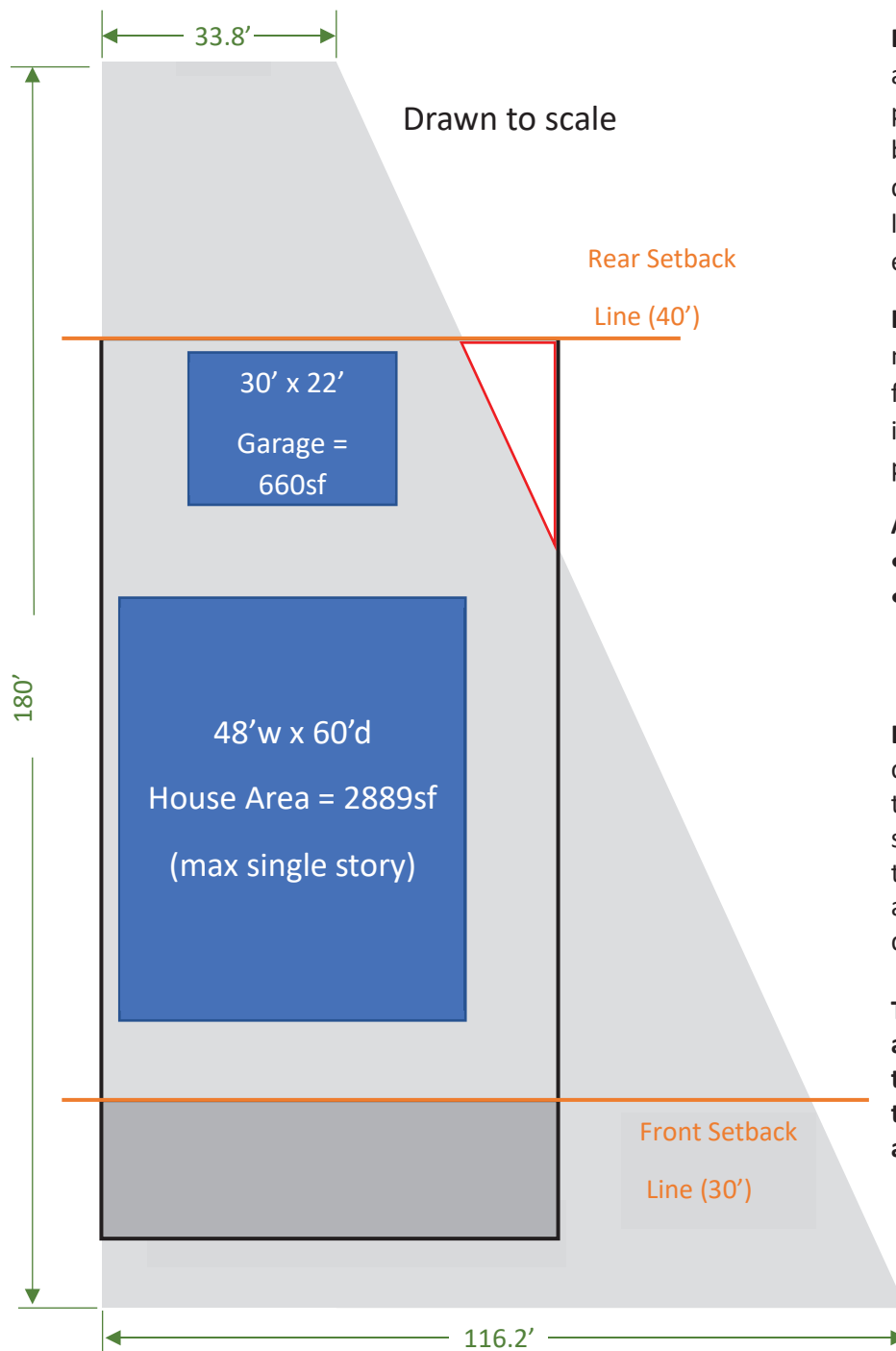
Rear Yard Area: $66 \times 40 = 2,640$ sf

*Rear Yard Area and Required Rear Yard area are the same in this case.

30%: $2,640 \times 30\% = 792$ sf permitted accessory structure

Please see irregularly shaped lot example on the following page.

This example shows how a significantly larger lot than the minimum allowed in R2 is not allowed the maximum garage size due to the interaction of irregular shape and the way the Village only uses the rear 40 feet of the property when calculating accessory structure lot coverage.



Drawing Explanation: The minimum allowed lot in R2 shown on the previous page is shown to the right, bounded by black lines and matching structures. As drawn, the minimum lot area fits within the larger, irregularly shaped lot used in this example.

Lot Coverage: We know that this larger lot meets the zoning coverage requirements for a single story per 10-4-8.E.2 because it is larger and has the same structures in the previous example.

Accessory Building Lot Coverage:

- Rear Yard Area per 10-2-1 = 4,527 sf
- Required Rear Yard Area (per Village):
2,086 sf (uses only rear 40')
 - 30%: $2,086 \times 30\% = 625$ sf

Lot Shape Hardship: As shown by comparing the minimum allowed R2 lot and this irregularly shaped lot that is significantly larger, the village's use of only the last 40 feet of the property to calculate accessory lot coverage results in a disproportionate impact on irregular lots.

This minimum allowed lot in R2 is allowed a significantly larger accessory coverage than this larger irregular lot solely due to the shape of the property and the Village's application of the code.



NOTICE OF PUBLIC HEARING

Craig and Erin Pavlich, owners of the property at 364 Lorraine Road, are requesting a public hearing for a zoning variation in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code to allow the demolition of the existing detached garage and construction of a new detached garage at the rear of the property. 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, October 11, 2022** at 7:00 p.m. in the Galligan Board Room, Glen Ellyn Civic Center, 535 Duane Street, Glen Ellyn, Illinois. The public is welcome to attend.

The property owners are requesting approval of a zoning variation from the Glen Ellyn Zoning Code as follows:

1. Section 10-5-4(A)2(a) to allow all freestanding accessory structures on the zoning lot to occupy 31.9 percent of the required rear yard where a maximum of 30 percent of a required rear yard or 1,000 square feet, whichever is less, is allowed to be covered by freestanding accessory structures on the lot; and
2. Any other zoning relief necessary to allow the proposed detached garage to be constructed as depicted on the plans presented at the public hearing or at a public meeting of the Village Board.

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

LOT 6 AND ALL THAT PART OF LOT 7 DESCRIBED AS FOLLOWS: BEGINNING AT THE EASTERLY CORNER OF SAID LOT 7; THENCE NORTHWESTERLY ALONG THE NORTHWESTERLY LINE OF SAID LOT 7, A DISTANCE OF 3 FEET 6 INCHES; THENCE SOUTHEASTERLY TO THE PLACE OF BEGINNING, IN BLOCK 1 IN CHESTERFIELD HEIGHTS, BEING A SUBDIVISION IN SECTIONS 10 AND 15, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 9, 1924 AS DOCUMENT 183453, IN DUPAGE COUNTY, ILLINOIS.

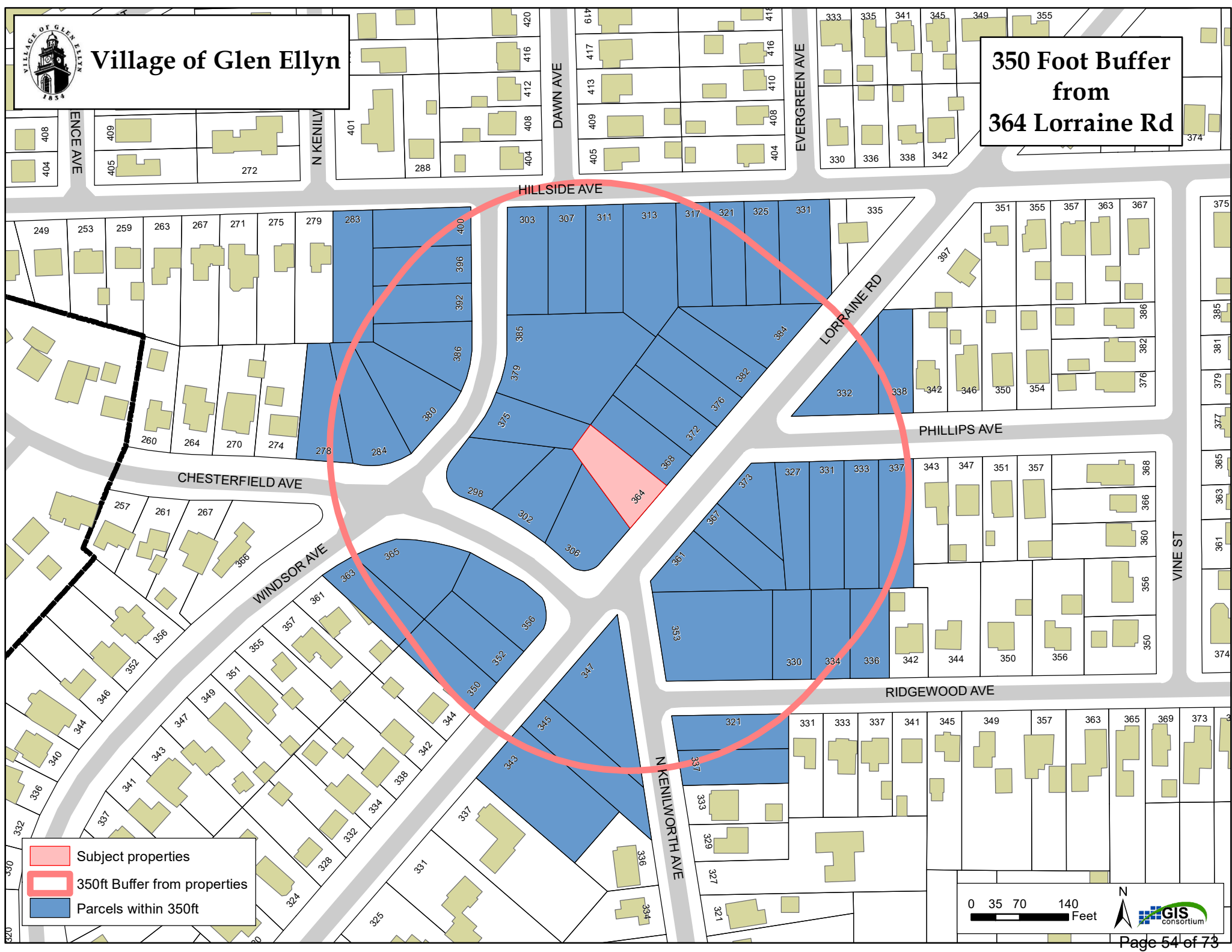
P.I.N.: 05-15-201-019

Plans are on file in the Community Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois and can be requested by contacting Taylor Gendel, Associate Planner at tgendel@glenellyn.org. All public comments received by 4:30 pm on Tuesday, October 11, 2022, will be read into the record at the public hearing.

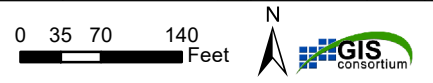


Village of Glen Ellyn

350 Foot Buffer
from
364 Lorraine Rd



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



NOTICE OF PUBLIC HEARING

Craig and Erin Pavlich, owners of the property at 364 Lorraine Street, are requesting a public hearing for a zoning variation in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code to allow the demolition of the existing detached garage and construction of a new detached garage at the rear of the property. 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, October 11, 2022 at 7:00 p.m. in the Galligan Board Room, Glen Ellyn Civic Center, 535 Duane Street, Glen Ellyn, Illinois. The public is welcome to attend. The property owners are requesting approval of a zoning variation from the Glen Ellyn Zoning Code as follows:

1. Section 10-5-4(A)2(a) to allow all freestanding accessory structures on the zoning lot to occupy 31.9 percent of the required rear yard where a maximum of 30 percent of a required rear yard or 1,000 square feet, whichever is less, is allowed to be covered by freestanding accessory structures on the lot; and

2. Any other zoning relief necessary to allow the proposed detached garage to be constructed as depicted on the plans presented at the public hearing or at a public meeting of the Village Board.

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

LOT 6 AND ALL THAT PART OF LOT 7 DESCRIBED AS FOLLOWS: BEGINNING AT THE EASTERLY CORNER OF SAID LOT 7; THENCE NORTHWESTERLY ALONG THE NORTHWESTERLY LINE OF SAID LOT 7, A DISTANCE OF 3 FEET 6 INCHES; THENCE SOUTHEASTERLY TO THE PLACE OF BEGINNING, IN BLOCK 1 IN CHESTERFIELD HEIGHTS, BEING A SUBDIVISION IN SECTIONS 10 AND 15, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 9, 1924 AS DOCUMENT 183453, IN DUPAGE COUNTY, ILLINOIS.

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Published in Daily Herald September 26, 2022 (4588951)

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 09/26/2022 in said DuPage County DAILY HERALD.

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

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY

Designee of the Publisher and Officer of the Daily Herald

Control # 4588951

**(DRAFT) FINDINGS OF FACT TO SUPPORT A MOTION TO RECOMMEND
APPROVAL OF A ZONING VARIATION TO ALLOW ALL FREESTANDING
ACCESSORY STRUCTURES ON THE ZONING LOT TO OCCUPY 31.9 PERCENT OF
THE REQUIRED REAR YARD WHERE A MAXIMUM OF 30 PERCENT OF A
REQUIRED REAR YARD OR 1,000 SQUARE FEET, WHICHEVER IS LESS, IS
ALLOWED TO BE COVERED BY FREESTANDING ACCESSORY STRUCTURES ON
THE LOT FOR THE PROPERTY LOCATED AT 364 LORRAINE ROAD**

The Zoning Board of Appeals hereby makes the following findings in relation to the evaluation factors set forth in Section 10-10-12(F) of the Glen Ellyn Zoning Code:

(Draft reasons, taken partially from the petitioner's application packet, as to how the project may comply with the necessary findings have been drafted by Staff; the ZBA may wish to consider the findings but should feel free to amend the below reasons to make your own findings of fact based upon information provided at the public hearing).

1. 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, because the subject lot has an irregular shape, narrowing in the rearmost portion due to the adjacent curved streets bounding the block (Windsor and Chesterfield Avenues) leading to an undersized rear yard on the lot.
2. The property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the Zoning Code, because the proposed 658.75 square-foot detached, two-car garage will replace the existing detached garage, will be of a size large enough to accommodate owners' needs and will be less than the overall maximum permitted size for detached garages of 660 square feet.
3. The plight of the applicant/owner is due to unique circumstances relating to the property in question, because the adjacent curved streets bounding the block (Windsor and Chesterfield Avenues) create an irregularly shaped block that limits the rearmost portion of the subject lot.
4. The requested variation, if granted, will not alter the essential character of the locality of the property in question, because the proposed one-story detached garage is intended to match the architectural character of the home and neighborhood, will comply with all setback, size, and height requirements for a detached garage in R2 District, and will have a minimal visible impact to the adjacent properties.
5. The particular physical surroundings, shape or topographical condition of the property in question would bring particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the Zoning Code were to be carried out, because the lot is uniquely shaped and the Zoning Code as applied restricts any potential improvements on the lot.
6. The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district, because the adjacent curved streets bounding this particular block create an irregularly shaped lot with an undersized rear yard.

7. The purpose of the variation is not based exclusively upon a desire to make more money out of the property in question, because the proposal calls for a standard-sized detached garage purposed for residential use, which will replace the existing detached garage of a similar nature.
8. 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, because the hardship is due to the unique shape of the subject lot with undersized rear yard that would not allow for improvement of a standard-sized detached garage without a variation on the lot.
9. 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, and will not impair an adequate supply of light and air to adjacent property, because the proposed one-story detached garage will be located at the rear of the lot, where the existing detached garage currently located, and will meet all setback, area, height, and easement requirements.
10. The proposed variation will not substantially increase the hazard from fire or other dangers to the property in question or adjacent property, because the proposed detached garage will meet all setback, area, height, easement requirements, and applicable Building and Fire Codes.
11. The proposed variation will not otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village; diminish or impair property values within the neighborhood; or unduly increase traffic congestion in the public streets and highway because the proposed detached garage is replacing an existing detached garage and is to be used for the same purpose.
12. The proposed variation will not create a nuisance or result in an increase in public expenditures because the proposed detached garage is replacing an existing detached garage and is to be used for the same purpose.
13. The variation is the minimum variation that will make possible the reasonable use of the land, building or structure because the proposed detached garage would measure 658.75 square feet, under the maximum allowable square-footage for detached garages in R2 District, which results in a total of 31.92 percent of freestanding accessory structure on the lot, exceeding the requirements by 1.92 percent.



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

Meeting 10/11/2022 7:00 PM
Department: Community Development
Department Head: Marty Scott
Category: Discussion Item
Prepared By: Atrin Fard, Emily Rodman

**AGENDA ITEM (ID
2022-2708)**

DOC ID: 2022-2708

Discussion of staff memo regarding Construction Necessitated Zoning Variations.

Statement of the Issue:

Please see attached.

Analysis:

Please see attached.

Budget Impact:

N/A

Action Requested:

Please see attached.

Attachments:

1. CNZV - Memo- AKF
2. 1. Ordinance 5245, adopted on March 8, 2004
3. 2. Exhibit A – Research of Construction Necessitated Zoning Variations in Other Communities (2020)
4. 3. Exhibit B – Pre-Pour and Post Hole Required Inspections in Other Communities (2022)
5. 4. Requirements for Foundation Surveys and Height Certification Surveys Form (2021)

MEMORANDUM

TO: Members of the Zoning Board of Appeals

FROM: Emily Rodman, Assistant Village Manager
Atrian Fard, Senior Planner

DATE: October 11, 2022

RE: Construction Necessitated Variations (CNVs)



Over the past couple of years, staff has been asked by the Village Board and Zoning Board of Appeals to revisit Glen Ellyn's requirements for the Construction Necessitated Variations. The Building Code defines a Construction Necessitated Variation (CNV) as "a variation requested after the issuance of a valid building permit related to the variation or a variation needed for any phase of construction that is in progress or has already occurred, either with or without a valid building permit and approved plans, that violates applicable Zoning Code regulations." Upon receipt of a CNV request from the Zoning Code, the Village shall suspend the building permit and no additional work shall be performed.

Background.

From January 2000 to December 2003, the Village received 10 variation requests for construction projects that were completed contrary to the approved plans and the Zoning Code. This translates to an average ratio of 2.5 post construction requests per year. At the December 8th, 2003 Village Board Workshop, deliberations took place regarding a special policy to address such variation requests. At the time, it was suggested that the relatively low cost of seeking the variance and the short processing time of the request, lead developers/property owners to apply for relief rather than bring the project into compliance. Consequently, on March 8, 2004, the Village Board adopted Ordinance No. 5245 (attached) which requires that the following items be provided for CNVs in addition to all the prerequisites of a regular variation:

1. The fee for a CNV was raised from \$450 (the cost of a regular variance at the time) to \$900 due to the additional time and expense to review these kinds of variances.
2. An escrow fee of \$2,000 was added to pay for Village out-of-pocket expenses including having the property surveyed after completion of the project to ensure compliance with Village Board approvals.
3. A current site survey was added to the submittal requirements to show the details of the necessary variation(s).
4. A timeline of events was added to the submittal requirements to demonstrate the actions leading up to the violation.
5. Possible alternatives with cost estimates were added to the submittal requirements along with the petitioner's preferred solution.

Over the course of years, the fees for regular variations and Construction Necessitated Variations have respectively increased to \$660 and \$1,100, with the rest of the requirements remaining unchanged. Between 2004 and 2021, the Village has received 25 CNV requests, 12 of which were between 2018 and 2021. Please see Chart 1, showing all CNV requests from 2000 to 2021. It is worth noting that the Village has received five additional CNV requests in the first half of 2022.

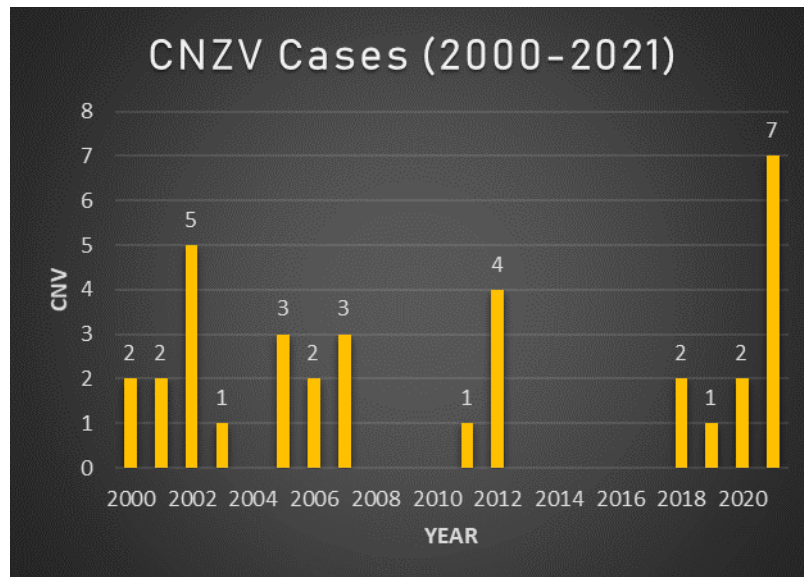


CHART 1 : CNZV CASES FROM 2000 TO 2021

With the recent spike in the number of CNV applications, staff was asked to explore the potential solutions to reduce the number of requests for variations after construction. These kinds of variations take up a considerable amount of staff time and are generally a negative experience for the homeowner to go through. Staff conducted a community survey of 11 local governments (peer communities) in the spring of 2020. The local governments surveyed were Arlington Heights, Clarendon Hills, Downers Grove, Elmhurst, Geneva, Hinsdale, La Grange, Lombard, Naperville, Western Springs, and Wheaton. Ten of the 11 communities surveyed do not have an adopted procedure for CNVs and would treat them as typical variation requests, including one community that only doubles the fees for such requests. Only one of the 11 communities (Arlington Heights) would fail the building permit inspections or issue citations until the project is brought into compliance (see attached Exhibit A). In conducting the peer communities survey, it appears that only Glen Ellyn has adopted certain regulations to differentiate the procedure and requirements of CNVs from regular variations, although Lombard also charges double the fee for post construction variations.

While Glen Ellyn requests additional steps for CNVs compared to its peer communities, the process as it stands now does not seem to be deterring homeowners from applying for relief rather than coming into compliance with the Zoning Code. Staff offers the below solutions as options for consideration by the ZBA in an attempt to discourage petitioners from seeking variation requests after the construction is completed:

1. **Fees:** As mentioned earlier, in 2004, Glen Ellyn amended the Building Code to impose additional fees and requirements on post-construction variation requests. This approach seemed prudent from 2004 to 2017, where the average number of CNV requests per year

was reduced to 0.9 (see Chart 1). However, since 2018, the number of CNV requests has dramatically increased to an average ratio of 3 petitions per year. A familiar solution could be increasing the current cost of the CNV fees while maintaining the current fees for standard variations. Staff feels this approach may disproportionately impact lower income residents and continue to allow those who can afford the cost to ask for forgiveness rather than comply with the Village's requirements. Should the ZBA and Village Board find raising CNV fees as an appropriate solution, staff will bring forth an amendment to the fee schedule with the suggested cost increase.

2. **Number of Violations:** Over the years, the Village has received several CNV petitions, some of which asked for multiple variations from the Zoning Code. It is unlikely that such requests occurred due to errors in measurements or miscalculations since multiple violations occurred on the same site. More often, there is a disregard for constructing according to what was approved by the Village or evasion of the permitting process altogether. For instance, the Village received a CNV petition for six different zoning variations in 2021 for the property located at 410 Spring Avenue. Staff spent a significant amount of time with the property owner prior to the issuance of the building permit to find complaint construction solutions. During project construction, the contractor made several suggestions that were approved by the homeowner that resulted in multiple violations on the property that were identified during the final project inspections. While the ZBA recommended denial of this request by a roll call vote of 4-2, the Village Board granted approval by a vote of 5-0. Staff finds it unfair to treat these cases with multiple requests the same as those seeking only one variation. A reasonable solution could be to calculate the cost of CNV fees by multiplying the standard fee by the number of requested variations; for example, for a CNV petition with six variation requests, the fee would be equal to \$6,600 (6 by \$1,100). This solution would impose considerable fees for CNV requests where complete disregard has been shown for the approved plans and the Zoning Code provisions. This would also encourage petitioners to comply with the code where feasible to reduce the overall cost of the request.
3. **Inspections:** Currently, the Village only requires final inspections for residential permits for driveways, walkways, and patios. A review of the CNV records found that approximately one third (34%) of the Construction Necessitated Variation requests could have been prevented had pre-pour inspections been done prior to completing the work and the final inspection. Below, please see Chart 2.

In addition, the results of a survey of Glen Ellyn's peer communities indicate that 72% of the surveyed municipalities perform pre-pour inspections for driveways and walkways and 82% for patios (see attached Exhibit B). Given the survey results, it would seem that the addition of pre-pour inspections as another layer of review for residential driveway, walkway, and patio permits could be an appropriate solution to reduce the number of CNV requests. The Village seems to perform quite similar to its peer communities regarding post-hole or footing inspections.

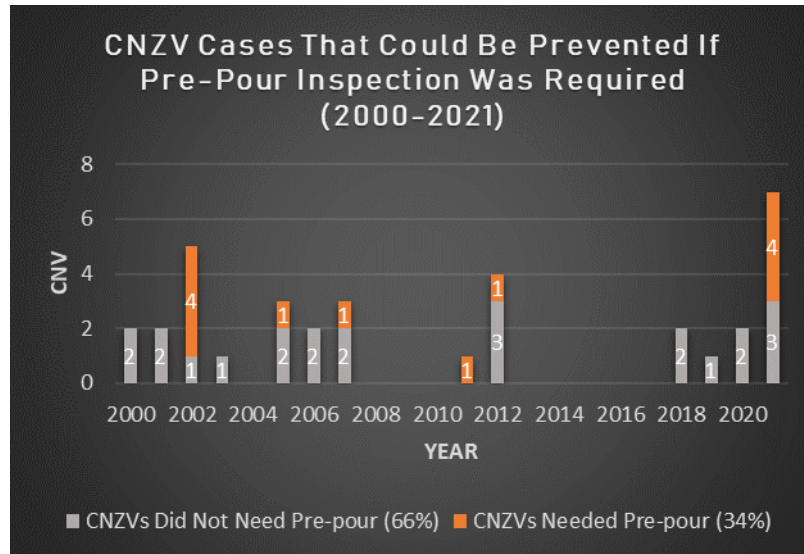


CHART 2 : CNZV CASES THAT COULD BE PREVENTED IF PRE-POUR INSPECTION WAS REQUIRED (2000 – 2021)

4. **Remove CNV Process:** As mentioned earlier, Glen Ellyn adopted CNV requirements in 2004 as a means to encourage developers/owners to be more cautious regarding zoning requirements. However, according to the Exhibit A, none of Glen Ellyn’s peer communities offer an approach specific to post-construction variations yet do not seem to deal with similar challenges. Although the current CNV approach may be discouraging to developers/owners who cannot afford to evade regulations, in most cases, it would accustom people to know there is an opportunity to seek a second chance. This approach provides an avenue for petitioners to ask for relief rather than bring projects into compliance. Therefore, removing the entire CNV process may be a practical solution to reducing the number of requests for forgiveness.
5. **Rigorous Application of Standards:** Per Section 10-10-12(E) of the Municipal Code, in consideration of granting a variation or recommending approval of a variation, the Village Board and Zoning Board of Appeals shall not vary the provisions of the Zoning Code unless there is a finding by the ZBA and Village Board that the following standards have been met:
 - a. *“That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; and that the variation, if granted will not alter the essential character of the locality; or*
 - b. *That the plight of the owner is due to unique circumstances; and that the variation, if granted, will not alter the essential character of the locality.”*

The application of these standards is inherently subjective in nature; thus, some Boards may apply the standards more liberally than others. For example, if a single-family homeowner is not allowed to have the patio size they desire, the ZBA and Village Board may make the determination that not being able to have a patio of the size and in the preferred location prevents a reasonable return/use of the property. This interpretation could be considered a liberal application of the standards. Conversely, the ZBA and Village Board may find that having to reduce the patio area by 150 square feet or change the placement to meet the setback requirements is simply a matter of preference, rather than preventing a reasonable

return/use of the property; therefore, recommend denial of the variation(s). This approach would be a more conservative or rigorous application of the standards, which would help ensure that variations (both regular and CNV's) are only granted, if necessary, under unique circumstances of the property rather than based on the homeowner's personal preferences or desires. More rigorous application of standards is an alternative to eliminating the CNV process (as outlined in Solution No. 4 above) and would also likely reduce the rate of approval (as outlined in Solution No. 6 below).

6. **Rate of Approval:** As noted above, per Section 10-10-12(E) of the Municipal Code, in consideration of granting a variation or recommending approval of a variation, the Village Board, Zoning Board of Appeals, and the Community Development Director shall not vary the provisions of the Zoning Code, unless there are practical difficulties or particular hardship in the way of carrying out the strict regulations of the Zoning Code. Many of the CNV cases that have come before the ZBA and Village Board have been due to negligence on the part of the property owner or the contractor. Having said that, a review of approval rate of the past CNV requests found that 80% of the CNV requests have been granted approval by the Village Board since 2000 with none denied from 2008 to 2021. Please see Chart 3 below.

Staff believes such a high chance of approval encourages owners/contractors to ask for relief from the Code requirements after violations have been made rather than bringing projects into compliance. It may even create an atmosphere where homeowners/contractors are willing to take a chance at making field adjustments without ensuring they are compliant because they are likely to get approval if the Village catches them. This matter sets a precedent for every future project to ask for forgiveness rather than permission.

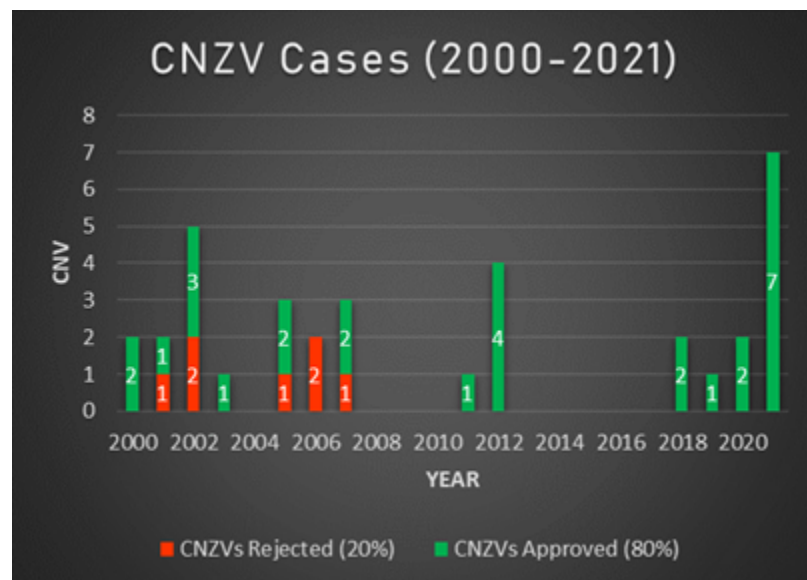


CHART 3 : CNZV CASES APPROVED/DENIED (2000 – 2021)

7. **Provide a Copy of the Approved Plans to the Homeowners:** In cases where the general contractor/developer does not obtain the necessary building permits prior to the commencement of work or leaves the improvements in violation of the Village's regulations, it would be the property owner's responsibility to comply with all codes or file for a CNV

request. Staff believes the CNV process could impose a significant burden on property owners, who often have not been involved in the permit process or been made aware of any violations. Staff suggests the Village Building Department provides a copy of approved plans to the homeowners even if the contractor/developer has filed for the permit and is listed as the main point of contact on the application. Since the homeowners are ultimately responsible to comply with the Code, they should be made aware of what is permitted prior to the start of construction.

8. **Disclaimer:** Staff suggests the Village require owners to sign a separate form with a disclaimer section that informs them of their responsibility should the project not be completed in full compliance with Village requirements. While there is a place on our current building permit application that indicates the property owner and the permit applicant (as owner's agent) certify that the work will be completed in compliance with the Village Code, and that the issuance of a building permit or approval of construction inspection shall not relieve the property owner or the owner's agent(s) of their responsibility to construct the work in compliance with the Village Code, it is our hope that having a separate page dedicated solely to this purpose will encourage property owners to read the form and ultimately be more involved in overseeing their projects.
9. **Contractor Citation:** As noted above, the Village currently holds the property owner accountable for bringing the property into compliance or filing for a CNV when a construction project has been found to be in violation of the Zoning Code. This is the case even if the contractor is at fault. To avoid such unfair accountability, staff suggests issuing a citation to the contractor if a violation has occurred and the contractor was the main point of contact for the permit.
10. **Village Approval in Different Stages:** Another potential solution to reduce post-construction variation requests is to inform the owners and contractors of the requirement to submit certification surveys prior to completing certain aspects of the work. This requirement assists the Village in verifying the work is in compliance at specific stages of construction and may help to prevent a project from moving further along in the construction process once a violation has been identified, thereby making it easier (and less costly) to comply. The Village Building Department has already taken the first step to add permit requirements for submittal of foundation and height certification surveys for all new buildings and structures that are located within two feet of the minimum required setback and maximum permitted heights. Both owner and contractor are required to sign this form.

Requested Action.

The ZBA is requested to review the suggestions provided by staff and make recommendations to the Village Board for policy changes that will assist in reducing the number of construction necessitated variations requested.

Attachments.

- Ordinance 5245, adopted on March 8, 2004
- Exhibit A – Research of Construction Necessitated Zoning Variation Processes in Other Communities (2020)
- Exhibit B – Pre-Pour and Post Hole Required Inspections in Other Communities (2022)

X:\Plandev\PLANNING\CNZV Research\Packet

- Requirements for Foundation Surveys and Height Certification Surveys Form (2021)

CC: Martin Scott, Community Development Director
Paula Moritz, Plan Examiner

VILLAGE OF GLEN ELLYN

ORDINANCE NO. 5245 -VC

AN ORDINANCE AMENDING
CHAPTER 1 (BUILDING CODE)
OF TITLE 4 (BUILDING REGULATIONS)
OF THE VILLAGE CODE OF THE
VILLAGE OF GLEN ELLYN, ILLINOIS
TO ADD A FEE RELATED TO
CONSTRUCTION NECESSITATED VARIATIONS

ADOPTED BY THE
PRESIDENT AND THE BOARD OF TRUSTEES
OF THE
VILLAGE OF GLEN ELLYN
DUPAGE COUNTY, ILLINOIS
THIS 8TH DAY OF MARCH, 2004.

Published in pamphlet form by the authority of the
President and Board of Trustees of the Village of
Glen Ellyn, DuPage County, Illinois, this 9TH
day of MARCH, 2004.

ORDINANCE NO. 5245 - VC

AN ORDINANCE AMENDING
CHAPTER 1 (BUILDING CODE)
OF TITLE 4 (BUILDING REGULATIONS)
OF THE VILLAGE CODE OF THE
VILLAGE OF GLEN ELLYN, ILLINOIS
TO ADD A FEE RELATED TO
CONSTRUCTION NECESSITATED VARIATIONS

WHEREAS, the Village of Glen Ellyn provides numerous services to property owners for the encouragement and regulation of land and infrastructure development; and

WHEREAS, the Village President and Board of Trustees deem it to be in the best interest of the Village and in furtherance of its legitimate governmental objectives, including its revenue policies and funding goals, to review periodically the Schedule of Fees and Deposits; and

WHEREAS, the Planning and Development Department has experienced eight zoning variations since February, 2001, that are related to improper construction, where the actual structure was not constructed or installed in accordance with, and therefore violated, the applicable Zoning Code regulations; and

WHEREAS, the Planning and Development Department staff have found that such construction related variations require significant additional time and expense; and

WHEREAS, the President and Board of Trustees have considered amending the Village Code to include a new fee and regulations for a construction necessitated variation at the December 8, 2003, Village Board Workshop and deem its approval to be in the best interest of the Village of Glen Ellyn; and

WHEREAS, the President and Board of Trustees hereby direct that all appropriate sections of the Village Code of the Village of Glen Ellyn be amended to reflect the new fee for a construction necessitated variation to become effective with the passage of this ordinance;

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

SECTION ONE: The following changes shall be made to Chapter 1 of Title 4 (BUILDING CODE) of the Glen Ellyn Village Code:

- A. The following new definition shall be added to Section 4-1-3 (DEFINITIONS):

CONSTRUCTION NECESSITATED VARIATION: A variation needed for any phase of construction that has already occurred, either with or without a valid building permit and approved plans, that violates applicable Zoning Code regulations.

- B. The following new fee shall be added to Section 4-1-4(A)7 (Zoning Applications):

(i) Construction Necessitated Variations	\$ 900.00
--	-----------

- C. Section 4-1-4(A)13 (Trust Fund Deposits) shall be revised to read as follows:

13. Trust fund deposits

(a) Construction necessitated variation escrow	\$2,000.00
(b) All others	\$1,000.00 - minimum

- D. A new Section 4-1-4(F) shall be added to read as follows:

(F) **Construction Necessitated Variation Fee:** A Variation application fee shall be paid in the amount of \$900.00, and \$2,000.00 shall be deposited into an escrow fund. The application shall include, in addition to the items required in the Village of Glen Ellyn Zoning Code Chapter 10, the following documents:

1. A current site survey showing the details of the variation;
2. A timeline to show the key events leading to the variation;

3. A list of alternative solutions, with designs, plans, and cost estimates; and
4. The petitioner's preferred solution.

SECTION TWO: The passage of this Ordinance, being a matter of urgency due to the need to recover a greater proportion of the Village's cost of operation, shall be in full force and effect immediately upon its passage.

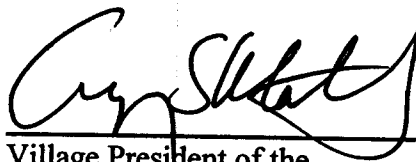
PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this 8TH day of MARCH, 20 04.

AYES: MUHERN, PFEFFERMAN, CHAPMAN, GARDNER,
LOCH, RILEY

NAYS:

ABSENT:

APPROVED by the Village President of the Village of Glen Ellyn, Illinois, this 8TH day of MARCH, 20 04.



Village President of the
Village of Glen Ellyn, Illinois

ATTEST:



Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the 9TH day of MARCH, 2004.)

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Research of Construction Necessitated Zoning Variations in Other Communities (2020)

Municipality	Does the municipality have a procedure for CNZVs?	If it does, what is the procedure?	If not, is immediate correction required instead or subsequent citation for non-compliance?	Standard Zoning Variation Fees
Arlington Heights	No	N/A	Building permit inspection is failed if work was not done according to plan. Stop Work order is issued if work is continued without correction. Citation can be issued if Stop Work order is ignored. Code enforcement/citation is done for work performed without a permit.	\$200 for a Single Family, \$350 for a Multifamily, and \$500 for commercial
Clarendon Hills	No	N/A	Would be treated as a typical variation request	\$300 in an R-1, \$600 in an R-1A, 3, 4, Business, Industrial, O-R
Downers Grove	Yes	Yes, it can be handled through the administrative adjustments for principal and accessory buildings. The applicant can appeal the decision of the Community Development Director.	If it does not satisfy the conditions to be reviewed as an administrative adjustment. It would be treated as a typical variation.	\$250 for residential and \$345 for commercial.
Elmhurst	No	N/A	Treated as a typical variation	\$500
Geneva	No	N/A	The inspection would be failed and require it be brought into compliance or advise them to seek a variation.	\$400
Hinsdale	No	N/A	Treated as a typical variation. If the variation is denied, it must be brought into compliance immediately or citations are issued.	\$850 dollars, of that \$600 towards escrow.
LaGrange	No	N/A	Someone will have to apply for a variation through the normal process.	500
Lombard	No	N/A	Treated as typical zoning variation except fees will be doubled.	\$300-425 plus \$250 for public notification (one single family residential lot) \$375-725 plus \$250 for public notification (more than one single family residential lot or any non-residential use)
Naperville	No	N/A	Treated as a typical variation	\$500 and additional publication fees.
Western Springs	No	N/A	The applicant must find a way to comply or apply for a variation.	\$350 for a variation.
Wheaton	No	N/A	Code compliancne officer would send the property owner a letter of violation. The property owner could either pursue a variation or seek approval from the building department to remove the non-conformity. If no response is received, a citation would be issued at that point and then it would go to court.	Residential zoning variations cost \$100, non-residential variations cost \$200. Zoning notification sign costs \$40. Permit fees are determined by building valuation.)

Pre-Pour and Post Hole Required Inspections in Other Communities, January 2022

Inspection Types Municipality	Pre-Pour Inspection Required?					Post Hole (or Footing) Inspection Required?			
	Driveway	Stairs and Stoop	Walkway	Patio	Other Accessory Structures	Fence	Porch	Deck	Pergola
Arlington Heights	Y	Y	Y	Y	Any structures with concrete pad	N	Y	Y	Y
Clarendon Hills	Y	Y	Y	Y	Any structures with concrete pad		Y	Y	Y
Downers Grove	N	Y	N	N	Any structures larger than 10'X10'	N	Y	Y	Y
Elmhurst	Y	Y	Y	Y	Base inspections for asphalt and brick paver projects	Y	Y	Y	Y
Geneva	Y	Y	Y	Y	Only final inspections for asphalt and brick paver projects	Y	Y	Y	Y
Hinsdale	N	N	N	N		N	Y	Y	Y
LaGrange	Y	Y	Y	Y		Y	Y	Y	Y
Lombard	Y	Y	Y	Y	Concrete projects that require building permit.	N	Y	Y	Y
Naperville	Y	Y	Y	Y		N	Y	Y	Y
Western Springs	Y	Y	Y	Y	Concrete projects inside and outside of the principal building	N	N	Y	N
Wheaton		Y		Y	Underground plumbing and electrical, pools need pre-pour inspection. No permit required for driveways and service walks on private property!	N	Y	Y	Y
Towns Where Required (%)	72%	91%	72%	82%		27%	91%	100%	91%
Glen Ellyn	N	Y	N	N	Aprons require a pre-pour inspection.	N	Y	Y	Y

 No permit is required.

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

Requirements for Foundation Surveys and Height Certification Surveys

Purpose: The purpose of this document is to inform contractors and property owners of the requirement for submittal of foundation and height certification surveys for all new buildings, additions or roofed over accessory structures that are located within two feet of the minimum required zoning setback and maximum permitted zoning heights.

Background:

In order to ensure that new construction and additions to, and alterations or remodeling of, existing buildings or structures comply with the restrictions and limitations of the Village's Zoning Code, amendments to Village Code Chapter 4 (Building Inspection) of Title 4 (Building Regulations) were adopted by Ordinance 5996, dated January 30, 2012. Requirements were set forth within those amendments to require verification of construction work in place at specific stages of construction, particularly after foundations were constructed and rough framing was completed.

Village Code Section 4-1-5. - General requirements, indicates:

"The following general requirements shall apply to all property within the Village of Glen Ellyn Municipal limits in addition to the requirements in all adopted Building Codes and ordinances:

- (I) *Inspections:* All construction being performed pursuant to a building permit under the provisions of this Code may be inspected by the Building Official or his representative at any reasonable time and shall be subject to inspections in accordance with the adopted codes and the following requirements:
 - 1. *Foundation survey:* The applicant shall submit a foundation location survey prepared by a registered surveyor upon completion of the foundation for all new buildings, additions or roofed over accessory structures that are located within two feet of the minimum required zoning setback, and no further work shall be done, other than installing drain tile and waterproofing the foundation, until the location survey and a backfill inspection have been approved.
 - 2. *Height certification:* The applicant shall submit a ridge and eave height certification prepared by a registered surveyor upon completion of the framework for all new principal buildings or additions that are constructed within two feet of the maximum permitted zoning heights, and no further work shall be done, other than rough electrical, mechanical, and plumbing work, until the ridge and eave height certification has been approved."

Issue:

It is the duty of both the contractor and the property owner to ensure that the project is constructed in accordance with the Village's codes that regulate construction. Please note that any error by Village staff during plan review or inspection of work in place does not relieve the contractor or property owner of this requirement.

If, upon Village review of the required surveys, it is determined that the work in place is not compliant with the zoning code, or with the approved permit drawings with respect to building or structure setbacks, footprint or height, a Stop Work Order will be issued and remain in effect until such time as the non-compliant work is brought into compliance.

Please note that performing work beyond that permitted above, prior to the submittal and Village approval of the required foundation and/or height certification surveys, will subject the contractor and/or owner to enforcement action which will result in the issuance of a Stop Work Order and possibly a citation(s) that will seek daily fines for each day that the unpermitted work continues. Separate citations may be issued to both the contractor and the property owner.

Acknowledgement:

The undersigned hereby acknowledge they have read and understand the contents of this document. Additionally, the undersigned understand that they may be individually, or collectively, issued a citation(s) in the event that the work in place is determined to be in non-compliance with the Village's codes regulating construction. This document must be signed by both parties prior to the issuance of a building permit.

Property Owner, printed name

Date

Property Owner, signature

Contractor, printed name

Date

Contractor, signature¹

Contractor, Company Name

1. By signing this document, the contractor represents that he is authorized to sign on behalf of the company, if a corporation.