

AGENDA
Glen Ellyn Zoning Board of Appeals Meeting
Tuesday, March 14, 2023, 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 February 28, 2023.

D. Public Hearing.

1. 734 Highland Avenue.

Zoning Variation requests to remove the existing carport to construct an addition to the existing detached garage

E. Other Business.

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
Director

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 3/14/2023 7:00 PM
Department: Community Development
Department Head: Marty Scott
Category: Minutes
Prepared By: Atrin Fard

**AGENDA ITEM (ID
2023-309)**

DOC ID: 2023-309

Approval of the Draft Minutes of February 28, 2023 ZBA Meeting

Statement of the Issue:

Please see attached.

Analysis:

Please see attached.

Budget Impact:

N/A

Contribution to Strategic Plan (if applicable)

Action Requested:

Please see attached.

Attachments:

1. 2-28-23 ZBA Meeting Minutes-DRAFT

DRAFT MINUTES
ZONING BOARD OF APPEALS MEETING
February 28, 2023

Call to Order and Roll Call

Recording Secretary Barbara Dutton-Thomas opened the meeting at 7:03 p.m. A motion to assign Member Jones Acting Chairperson for the evening was made by Member Miller and seconded by Member Thomas Whalls. The motion passed by roll call vote, with all Members Miller, Whalls, McKnight, Jones and Crudele voting, "Yes." Acting Chairperson Jones explained the Zoning Board of Appeals (ZBA) advisory function, and process of deliberation and recommendation, and related notice of the meeting. Roll was called: Members Chip Miller, Christiane McKnight, Matthew Jones, Katie Crudele and Tom Whalls were present. Member Reed Panther joined the meeting later, having recused himself from the first case; Chairperson Gregory Constantino was absent. Acting Chairperson Jones described the Public Hearing proceeding protocols, and introduced Senior Planner Atrian Fard, Planner Derek Rockwell, Recording Secretary Barbara Dutton and Village Board Liaison Anne Gould.

Approval of Meeting Minutes

A motion by Member McKnight to approve the draft minutes of the Jan. 10, 2023 meeting as amended was seconded by Member Crudele and passed by voice vote.

Public Hearing for 288 Grandview Avenue

A motion by Board Member Whalls to open the Public Meeting concerning for 288 Grandview Avenue, seconded by Member Miller, passed by roll call vote, with all members present voting, "Yes."

Staff Presentation

Sworn in, Derek Rockwell, Planner 535 Duane St., Glen Ellyn, introduced the case concerning variations to allow an addition to the property at 288 Grandview. The property, related Mr. Rockwell, is an interior lot located in the R2 Residential Zoning District on the west side of Grandview Avenue, two lots south of Valley Avenue. The zoning and land use immediately surrounding the subject property are R2 single-family residential, he added. The property is an irregular-shaped interior lot with an angled rear lot line, he continued, adding that it is improved with a one-story frame residence and an attached one-car-garage. The residence was constructed in 1952 and is considered legal nonconforming due to the overall lot coverage and setbacks from the front, side and rear lot lines, stated Mr. Rockwell. Tonight's proposal, he said, includes a footprint expansion of 27.84 SF to allow for the two-story addition. This is the only change proposed with respect to expansion of the existing footprint of the home, he said, adding that the small footprint additions do not expand on the existing home's nonconforming status with respect to required minimum setbacks. As such, he concluded, the requested variations regarding the setbacks are not borne of any actions proposed by the current homeowners and are required only as an effort to formalize and memorialize the existing nonconformities. The Petitioners have also requested a variation to allow an increase in maximum lot coverage on the property from 20 percent to 23 percent, continued Mr. Rockwell. The existing lot coverage, prior to the 27.84SF expansion of the footprint of the home, is 22.7 percent. Hence, he explained, the proposed lot coverage expansion amounts to a 0.3 percent lot coverage increase from current conditions.

The Petitioners are proposing a two-story addition that is primarily vertical in nature. The proposed addition would accommodate the relocation of first-floor bedrooms, a kitchen expansion, several new bathrooms, a study room, and an open play area, said Rockwell. The Petitioners, he continued, propose an increase in the maximum eave height from a maximum of 25 ft. to 28.75 ft. This measurement is taken from the average existing grade to the eave of the dormer on the top floor of the rear (west) elevation. The maximum proposed ridge height of the proposed addition is 35 ft., stated the Planner, who said this is compliant with the requirements of the Zoning Code for this property, so the height variance is borne out of the dormer needing a 3.75-ft. height variation. Therefore, he explained, the total bulk of the building is not adversely impacted by that variation request. Village code, he related, states that the maximum eave height shall not apply to dormers which are less than 8 ft. in width. As such, he said, the proposed dormer has to meet that 25-ft. maximum height, per Code. The last variation is a request to allow a Class II alteration to a nonconforming single-family dwelling, said the Planner. A Class II alteration is defined as any change to the exterior structure (including exterior finishes) of a building which alters a total area of between 50 percent and 75 percent of the existing building, he explained. The Petitioners propose an alteration of 51 percent, which amounts to 1 percent over and equates to 53.86SF of overage, said Mr. Rockwell, who proceeded to outline ZBA action.

Petitioner's Presentation

Chris Van Sickle, 288 Grandview Avenue, and Jamie Simoneit, Z + O Architecture, 504 Hillside Avenue, were sworn in. Mr. Van Sickle expressed that his family is pleased with the neighborhood and wants to make the house one that will allow them to “stay here forever.” Mr. Simoneit, who related that he’d been to the same home previously to consult with then-owners considering alterations, said the house is small and outdated and has only a one-car garage. Because of these shortcomings, he indicated, the design direction is to “go vertical.” The plan, he explained is to move the bedrooms upstairs, though keeping one on the first level for a work-from-home office. Along with the non-conforming lot, he counted as a hardship the existing house being built prior to current code. Saying that he suspects a garage might have existed previously, Mr. Simoneit proposed positioning the new garage into the footprint of the home to limit mass. He said the eave height regulation was adopted in 2002, “kind of tying my hands as a designer,” and that he is pressing for the restriction to be modified. Pointing to the 1 percent overage on the Class II addition, he said this Code provision also needs adjusting. He said he’s done similar projects that have been very “fruitful” for him and the occupants.

ZBA Member Whalls asked if the six variations requested had been done so individually whether they would have been granted. Planner Rockwell said he couldn’t say, but noted that much of what Mr. Simoneit related is Staff’s professional reading of the Code as well. Mr. Rockwell added that Mr. Simoneit is correct in that the only one borne of this situation is the dormer eave height and that the rest would be present in any work to the property, so Staff looks favorably on them. Acting Chairperson Jones asked the Petitioner if the improvements proposed would allow the home to meet occupant needs for 100 years. Mr. Simoneit responded affirmatively, ticking off amenities the addition would bring, and said the finished product would be 3,618GSF.

Public Input

The Petitioner produced a “petition for approval” endorsing the project, signed by the following neighbors: Michael Marra, 223 May Ave.; Richard and Katie Prescott, 219 May Ave.; Janis and Jerry Pfister, 227 May Ave.; Mark Gilbert, 861 Valley Ave.; and Teresa Pehta, 221 Grandview Ave.

Member McKnight moved to close the Public Hearing. Seconded by Member Crudele, the motion passed by voice vote. Member Whalls delivered Findings of Fact, which were accepted on a voice vote following a motion by Member Crudele, which was seconded by Member McKnight.

Deliberations

ZBA Member McKnight said she is in favor of approving the Petition, saying that three of the variations are necessitated by Code changes, other variations are relatively minor, the proposed plans fit the essential character of the neighborhood, and the relatively minor expansion of the footprint of the house will make it more functional. Member Crudele concurred, as well as expressed the belief that if variations had been sought separately they would have been worked out by Staff. Member Miller said there are already houses of similar height in the neighborhood. He said the peak of the front being higher than the dormer in the back, and less bulk, “make sense,” offering a better view for the backyard neighbors, and that the design carries minimal footprint changes. Member Whalls approved, citing no apparent drainage issues or view obstructions. Complimenting the garage design, Acting Chairperson Jones said he is in favor. Member Miller moved for the following:

Having considered the application of Chris and Lindsay Van Sickle, owners of the property at 228 Grandview Avenue, Glen Ellyn, for:

1. A variation from Section 10-4-8(D)2 to allow the existing single-family dwelling to encroach approximately 7.5 feet into the required rear yard setback of 40 feet.
2. A variation from Section 10-4-8(D)3 to allow the existing single-family dwelling to encroach approximately 2.10 feet into the required southern interior side yard setback of 7.5 feet (10 percent of the lot width);
3. A variation from Section 10-4-8(D)3 to allow the existing single-family dwelling to encroach approximately 1.85 feet into the required northern interior side yard setback of 7.5 feet (10 percent of the lot width);
4. A variation from Section 10-4-8(E)1 to allow an increase in maximum lot coverage ratio from 20 percent to 23 percent to allow an addition to the existing single-family dwelling;
5. A variation to Section 10-4-8(F)1 to allow an increase in maximum eave height from 25 feet to 28.75 feet;
6. A variation to Section 10-8-6(B)3 to allow a Class II alteration to a nonconforming single-family dwelling;

the Zoning Board of Appeals hereby adopts the findings of fact in the petitioners’ application packet and the presented by the petitioners at the Zoning Board of Appeals public hearing conducted on February 28, 2023, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following unique circumstances and hardships:

- The existing lot is nonconforming on a nonconforming block;
- The dormer peak height in the back is lower than the conforming peak in the front and it also is less bulky and a better view for the backyard neighbors;
- Minimum footprint changes to make a two-car garage without increasing the south footprint; and
- Homeowners building up to minimize the lot coverage increase.

Seconded by Member Crudele, the motion passed unanimously by roll call vote, with Members Miller, Crudele, McKnight, Whalls and Jones voting, “Yes.”

Staff Report

Senior Planner Fard announced that the March ZBA regular meeting is scheduled to be held on the 14th, with a garage expansion case to be considered.

Trustee’s Report

Related Trustee Liaison Gould that she was assigned to be the liaison to the Housing Study Steering Committee, and invited participation in a survey about current and projected housing needs. Another survey, she said, has been established to glean information relative to lead service line testing. She reported that the Board approved expenses for engineering services in connection with train station work.

Public Hearing for 240 Glenwood Avenue

A motion by Board Member McKnight to open the Public Meeting for 240 Glenwood Avenue, seconded by Member Crudele, passed by voice vote.

Staff Presentation

Sworn in, Sr. Planner Atrian Fard, 535 Duane St., stated that the property at 240 Glenwood Avenue – in a case before the ZBA a second time – is in the R2 district, an irregular-shaped reversed corner lot with a curved corner side lot line fronting Arlington Avenue. The property is improved with a two-story brick house and an attached one-car-garage, continued Ms. Fard, who stated that the residence was built in 1955 and is considered legal nonconforming due to the overall lot coverage and setbacks from the front, corner side, and rear lot lines. The Petitioners are proposing the addition of an elevated deck with a partial carport beneath, on the south side of their home over the existing driveway, she explained. The existing garage can only fit one car, and it would be costly for homeowners to expand it, she stated, adding that there is also no room in the rear yard for the addition to the existing attached garage. The proposed carport will serve as an extension of their garage, providing coverage for a second vehicle parked on the driveway. The proposed carport will measure 12 ft. wide by 18 ft. long, she said. Due to the slope of the driveway down to the attached garage, noted Ms. Fard, the carport would have an 8.5-ft. clearance at the garage entrance and 7.5-ft. clearance at the southernmost edge or the entry point to the carport.

On top of the carport, continued Sr. Planner Fard, the Petitioners propose the construction of an elevated deck. The proposed deck would be L-shaped and extend beyond the area to be used as a carport, she said, and noted that a 36-in. tall railing would be installed on the deck for safety purposes. The deck would be uncovered and allow for approximately 216SF of seating area atop the carport, and approximately 49SF walkway that would provide access from the outdoor seating area to a new set of French doors on the second floor, she elucidated. Due to the grade changes on the south and east sides of the home, she said, the walkway portion of the deck would only have 4.1 ft. of clearance from the ground level. Given the nonconforming placement of the home on the lot, undersized rear yard, and restrictive setback requirements for corner lots, she stated, there is insufficient buildable area on the lot without requiring granting of a variation. Currently, there is only a small brick patio on the north side of the residence, added Fard, who said this elevated deck would provide the Petitioners with sufficient space for outdoor seating, which would be screened from the street view by relatively dense foliage present on the property.

As the elevated deck will be located on the south end of the home, continued Sr. Planner Fard, it will encroach into the required rear, front and corner side yards; two of these encroachments she suggested were modest. Due to the considerable changes in grade on the lot, said Ms. Fard, the home appears to be two stories from the vantage point of the driveway, which carves out a path to provide access to the attached garage. So, she explained, the home is considered two stories, with a maximum allowable lot coverage ratio (LCR) is 20 percent (for more than one-story homes). The deck structure would act as a cover for a portion of the driveway and thus would be included in the overall calculation of lot coverage, she added, pointing out that the walkway was not included in the calculation of lot coverage. She said that the Petitioners seek a variation from the maximum 20 percent LCR, to increase it from the existing 23.16 percent to 27.2 percent to add the carport. She recalled that when the case was presented in a Public Hearing on Jan. 10, 2023, one neighbor spoke in opposition, and one submitted a letter in support. After some discussion, related Ms. Fard, the ZBA decided to continue the Public Hearing to a second hearing in which they could review a more detailed plan for the proposed elevated deck/carport. The Petitioners provided architectural drawings to Staff on Feb. 10, 2023, stated Ms. Fard, who outlined ZBA action.

Board Questions

Member Miller asked Senior Planner Fard if the Village has ever approved an LCR as big as 27.2 since she has been here. Ms. Fard said it is not impossible, explaining that with the garage carved out underground rendering the house a 1.5-story structure under Code, the requirements are harder to meet. Functionally, she explained, the house is one-story, which permits a 35 percent maximum LCR. Mr. Miller asked how much the LCR would be reduced if the property came to the sidewalk. Ms. Fard replied that “eyeballing” it, she thinks at least 1 percent, adding that the setbacks would be better. Acting Chairperson Jones asked if the Village could sell the Petitioners the parkway between their home and the sidewalk, and whether any requirements dictate the parkway width. Ms. Fard said the Subdivision Code specifies minimum right-of-way width and, that while there have been instances of sales (e.g., private streets difficult for Public Works to maintain), there is no reason for the Village to vacate land in this case.

Petitioner’s Presentation

Sworn in, Paul Zumbrook, 240 Glenwood Ave., Glen Ellyn, stated that he hired an architect and “got some good drawings.” Acting Chairperson Jones asked him if he was comfortable with what he is getting and whether it resolves problems associated with a one-car garage. Mr. Zumbrook related that when he had to brush off his car and shovel the driveway after a recent snowfall, he was reminded of the reason he is seeking the variances. He added that the project will also allow the Petitioners “to better enjoy where we live.”

The Public Hearing was closed upon a motion made by Member Crudele, and which was seconded by Member Panther. Board Member Whalls delivered proposed findings of fact, including an overview of permitting history. Board Member Miller moved to accept the findings; seconded by Member Crudele, the motion passed by voice vote.

Deliberations

Board Member Whalls said he’s a “Yes,” citing more functionality through the plan, Village culpability in creating the footprint, no view obstructions nor public objections expressed at the meeting, and the

story classification. Member Panther observed that there are “definitely hardships” created by the lot dimensions/footprint, and said he sees a need for additional covered parking. He added that, while he is still “a little leery” about a covered deck being so close to the neighbors to the west, he leans in favor. Member McKnight said she’d struggled with the ambiguity of not knowing the exact plan, so appreciates the drawings, and is in favor of approval, seeing improved use of the property. Also in favor, Member Crudele said after seeing the plan, she is comfortable with the proposed. Despite voicing a dislike of carports, Member Miller, said he is in favor of the proposed, but put forth the idea of requesting it be pulled from the Board consent agenda, a suggestion that sparked discussion of the merits and risk in doing so. Acting Chairperson Jones said he had no problem with the lot coverage, but is uncomfortable with approving something as different as a carport-deck combo. Saying he is “barely a ‘yes,’” but recognizing the constraints posed by the unusual lot, Member Miller moved for the following:

Having considered the application of Paul and Lesa Zumbrook, owners of the property at 240 Glenwood Avenue, Glen Ellyn, for a zoning variation from Section 10-4-8(E)1 to allow a lot coverage ratio of 27.2 percent for an addition of a carport with an elevated deck on a single-family dwelling of more than one-story; a variation from Section 10-5-5(B)4#8(c) to allow an elevated deck to encroach approximately 5.7 feet into the required rear yard setback of 12.1 feet (10 percent of the lot width); a variation from Section 10-5-5(B)4#8 to allow an elevated deck to encroach into the required front yard setback of 30.7 feet, where decks are not permitted obstructions in a required front yard setback; and a variation from Section 10-5-5(B)4#8 to allow an elevated deck to encroach into the required corner side yard setback of 30 feet, where decks are not permitted obstructions in a required corner side yard setback, the Zoning Board of Appeals hereby adopts the findings of fact in the petitioners’ application packet and the presented by the petitioners at the Zoning Board of Appeals public hearing conducted on February 28, 2023, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following unique circumstances and hardships:

- It’s a nonconforming lot and the home is basically shoe-horned into a corner lot;
- If it were considered a ranch, they would have a 35-percent LCR instead of the 27.2 they have for more than one story;
- Carports are rare but they are not completely unusual in Glen Ellyn; and
- The resident who was against the project is not here tonight.

With the following conditions: The Village Board take this property off of the consent agenda.

Seconded by Member Whalls, the motion passed by roll call vote as follows: Members Miller, Whalls Crudele, McKnight, Panther and Acting Chairperson Jones voted, “Yes.”

Adjournment

Acting Chairperson Jones adjourned the meeting at 8:44 p.m., following a voice vote on a motion by Member McKnight and which was seconded by Member Whalls.

Respectfully submitted,

Barbara Dutton-Thomas

Recording Secretary



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

Meeting 3/14/2023 7:00 PM
Department: Community Development
Department Head: Marty Scott
Category: Public Hearing
Prepared By: Atrin Fard, Brad Iwicki

**AGENDA ITEM (ID
2023-308)**

DOC ID: 2023-308

734 Highland Avenue.

Zoning Variation requests to remove the existing carport to construct an addition to the existing detached garage

Statement of the Issue:

Please see attached.

Analysis:

Please see attached.

Budget Impact:

N/A

Contribution to Strategic Plan (if applicable)

Action Requested:

Please see attached.

Attachments:

1. Staff Report 734 Highland
2. 1. Application for Zoning Variation
3. 2. Plat of Survey
4. 3. Aerial Map
5. 4. Zoning Map
6. 5. 1' Contour Map
7. 6. Existing Site Plan and Elevation
8. 7. Proposed Site Plan and Elevation
9. 8. Existing Conditions Photos
10. 9. Public Hearing Notice
11. 10. Public Hearing Notice Buffer Map
12. 11. Certificate of Publication
13. 12. Draft Findings of Fact
14. 13. Motion to Approve
15. 14. Motion to Deny

STAFF REPORT

TO: The Zoning Board of Appeals

FROM: Atrian Fard, Senior Planner
Brad Iwicki, Planning Intern

DATE: March 10, 2023

SUBJECT: March 14, 2023 – Zoning Board of Appeals Meeting
Public Hearing – Zoning Variations to allow the expansion of a detached garage on the property located at 734 Highland Avenue

PETITIONERS: The petitioners are Timothy and Anne Payne, owners of the property at 734 Highland Avenue.

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

1. A variation from section 10-4-8(E)1 to allow a lot coverage ratio of 24.1% where a maximum 20% lot coverage ratio for two story single-family dwellings is allowed in the R2 Residential District;
2. A variation from section 10-5-4(A)2(a) to allow the total combined area of all freestanding accessory structures on a zoning lot to be 646 square feet, where total combined area is limited to 1,000 square feet, but no more than 30 percent of a required rear yard (600 square feet), whichever is less; and
3. Any other zoning relief necessary to allow the proposed garage addition 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 west side of Highland Avenue between Oak Street and Maple Street. The zoning and land use immediately surrounding the subject property is R2 single-family residential.

PUBLIC

NOTICE: Notice of the public hearing was published in the February 27, 2023, 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>
2019	20191144	Fence
2007	26526	2 Story Addition & Garage
2007	27323	Fence
2005	B24654	Connect sump pump to storm sewer
2002	B21335	Fence
1999	B18771	Deck
1996	B16287	Addition/Alterations
1969	B1191	Basement Remodel
1962	B8779	Alterations
1950	B2751	Garage

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)	7500 ft²
Lot Width:	66', interior lots	50'
Lot Coverage:	No more than 20% for two-story principal structures	22.13%
Front Yard:	The larger of 30' and the front setback of closest principal structure on adjacent lots on the same side of the street, not to exceed 50' (738 Highland setback is 30.7')	31.16'
Interior Side Yard:	6.5' or 10% of the lot width, whichever is greater (6.5')	13.34' (north), 6.47' (south)
Rear Yard:	40'	61'

BACKGROUND:

The property at 734 Highland Avenue is improved with a two-story house and a detached one-car garage with an attached shed, attributing to a lot coverage ratio of 22.13%. The home was constructed in 1920 and is considered legal nonconforming due to the overall lot area, lot coverage ratio, lot width, and interior side yard setback from the south property line.

The petitioners have lived on the property since 2001. When they purchased the home, the property had a dilapidated single-car garage with a gravel floor. In 2007, the petitioners expanded the residence and reconstructed the garage. At the time, a foundation was poured for a two-car garage in accordance with the 2007 Building and Zoning Codes.

However, only a one-car garage with an attached storage shed (total 404 square feet) was built on that foundation, along with an adjacent carport covered by a pergola (approximately 242 square feet). This design intended to cut the construction costs and use the open carport space as a patio but eventually to cover and enclose the carport area to create a detached two-car garage. Since 2007, the Zoning Code has been amended, reducing the maximum allowable lot coverage ratio from 25% to 20% for a residence with more than one story in R2 District. The current lot coverage regulations make the existing residence with a one-car garage and shed nonconforming, even without the addition to the garage.

PROPOSED:

The petitioners propose to remove the existing carport/pergola and expand the existing detached garage for 242 square feet (11' wide by 22' long of addition) to create a two-car garage. In order to construct the garage addition as proposed, the petitioner would need to be granted a variation from the Zoning Code to allow a lot coverage ratio of 24.1% and a total combined area of all freestanding accessory structures on a zoning lot to be 646 square feet or 32.3% of the required rear yard.

The Zoning Code considers pergolas as uncovered freestanding accessory structures, which are not included in the calculation of lot coverage ratio. Given that, the conversion of the existing carport pergola to an enclosed covered garage addition will increase the current legal nonconforming lot coverage ratio. It is important to note that the Village's Zoning Code Section 10-4-8(E)3(a) allows up to 500 square-foot bonus for a detached garage to be excluded from the lot coverage calculation. Accordingly, the proposal results in a total lot coverage increase of 146 square feet or approximately 2%. The outcome of the project provides that the total lot coverage ratio would be 24.1%.

The Village's Zoning Code Section 10-5-4(A)2(a) permits freestanding accessory structures located anywhere on a Zoning lot to cover up to 30% of a required rear yard or 1,000 square feet, whichever is less. The property has a required rear yard of 2000 square feet due to the 50-foot lot width and 40-foot required rear yard setback, leading to a maximum allowable accessory structure coverage of 600 square feet. As proposed, the new footprint of the garage will be 646 square feet, which exceeds the 600 square foot limit by 46 square feet, or 2.3%.

The proposed garage footprint would be within the existing garage foundation, so there would be no expansion of the impervious surface. With the footprint of impervious surface remaining unchanged, staff believes that the proposed improvement will not negatively impact the drainage of the property when compared with the existing conditions.

The petitioners note that the expansion would be modest and

unnoticeable to their neighbors and surrounding community. As of completion and preparation of this report, there have been no comments received in support or opposition to the variations from neighboring residents.

ZBA

ACTION:

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

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

ATTACHMENTS:

1. Application for Zoning Variation
2. Plat of Survey
3. Aerial Map
4. Zoning Map
5. 1' Contour Map
6. Existing Site Plan and Elevation
7. Proposed Site Plan and Elevation
8. Existing Conditions Photos
9. Public Hearing Notice
10. Public Hearing Notice Buffer Map
11. Certificate of Publication
12. Draft Findings of Fact
13. Motion to Approve
14. Motion to Deny

cc: Marty Scott, Community Development Director
Timothy and Anne Payne, Property Owners

*X:\Plandev\BUILDING\ZBA\5. VARIATION BY ADDRESS\H\HIGHLAND\734
Highland\PC\Staff Report 734 Highland.doc*

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

CLEAR ALL PAGES

APPLICATION FOR VARIATION

For the property at 734 Highland Avenue Glen Ellyn, IL 60137

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

You may attach separate sheets 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: Timothy G. Payne and Anne C. Holper Payne

Address: 734 Highland Avenue

Home Phone No.: 630-542-0369 (Anne) Cell Phone No.: 630-998-6496 (Tim)

Fax No.: N/A

E-mail: ahpayne@icloud.com; tgpayne6@gmail.com

Ownership Interest in the Property in Question:

Property is owned by Timothy G Payne and Anne C Holper Payne. There are no other ownership interests

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

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

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

N/A

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

N/A

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

☐ YES

☒ NO

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

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

☐ YES

☒ NO

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

III. PROPERTY INFORMATION:

Common address: 734 Highland Avenue

Permanent tax index number: 05-11-109-022

Legal description:

The south 50 feet of lot 5 in block 21 and the east half of the vacated alley lying west of and adjoining in Glen Ellyn addition to Prospect Park, being a subdivision in section 11, township 39 north, range 10, east of the third principal meridian, according to the plat thereof recorded June 11, 1890 as document 42867, in DuPage County, Illinois

Zoning classification: Residential R2

Lot size: 50 ft. x 160 ft. Area: 8,000 sq. ft.

Present use:

Residential. Payne family home.

IV. INFORMATION REGARDING THE VARIATION(S) REQUESTED:

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

We are requesting a variance of the lot coverage regulations under 10-10-12 (E)(2) to allow us to create a two car garage by roofing over 250sf of space directly adjacent to the existing one car garage. The area we are proposing to roof over is an existing "car-port" covered by a pergola. Our request is driven by practical difficulties and hardships created through strict compliance to the zoning code. We believe the circumstances are unique and uncommon compared to other homes in the area, and moreover, the variation will improve our property without altering or adversely impacting the character of the locality.

By way of background, we have been residents of Glen Ellyn since 1996. After selling our first home at 400 Windsor Street, we purchased the 734 Highland residence in 2001. When we bought the home, the property had a dilapidated single car garage with a gravel floor. As your records will show, in 2007 we improved and expanded the residence and also reconstructed the garage. In accordance with the lot coverage regulations at the time, we poured a foundation for a two car garage. On that foundation, we built a 392 square foot main garage structure -- a covered space for one car garage along with a 277 square foot adjacent car port covered by a pergola. Our intention was to save money as well as enjoy the car port space as a patio, but eventually cover it to create a two car garage as permitted under the lot coverage regulations that existed at the time. Since 2007 rule changes have taken place impacting the amount of car port space we are able to cover. In order to cover 250sf of our car port (12'1" wide by 21' long), we would need to demolish the storage area that is connected to the existing one car garage. Alternatively, we could keep the storage area but reduce the size of the second garage to 214 square foot (12' 1" wide and 17' 9" long), which is far below the space needed to reasonably cover a standard size car. We are essentially asking for a variation that would allow us to keep the existing storage area while at the same time covering the car port. We wish to highlight the fact that the current car port covers 277 square feet of space. we are asking to roof over only 250 square feet of that space (36 square feet beyond the limit of 214 square feet under the existing coverage regulations). The adjustment we are requesting is modest, measured, and the additional coverage would be virtually indiscernible to our neighbors and surrounding community. Further, we don't believe the change will have an adverse impact on the physical surroundings as the space to be covered is already part of the existing garage foundation, and moreover the car port space is already partially framed in by the pergola.

Estimated date to begin construction: July 1, 2023

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

Steven K. Poteracki
Principal Architect
Studio 1 Architects
steve@studio1architects.com
708.783.1124
www.studio1architects.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:

We are seeking a variation to allow us to cover an existing car port that is situated on a foundation laid in 2007 specifically for that purpose. Due to changes in the the local zoning code after 2007, we are only able to cover 214 sf of the existing 277 sf car port. Strict compliance with the zoning code would require us to demolish part of the existing one car garage structure in order to cover the car port with a space that could reasonably fit a second standard sized car.

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

We plan to remain in the home for the foreseeable future, so yielding a reasonable return on the property is not primarily what is driving this request. In the new garage structure we plan to install electrical hook ups for two EV cars. We believe this sort of EV charging capability and a parking space at least 21' long will be important for our own use and enjoyment of the home.

OR

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

Our garage foundation was originally poured in 2007 to accommodate a two car garage and was part of a larger home renovation project. We only covered one of the parking spaces even though we could have covered both under the regulations in place at the time. We envisioned eventually converting the car port into a covered space but decided to reserve that project for a later date and instead have used the space as an outdoor patio for the past 15 years. We have been good citizens of Glen Ellyn for over 25 years and have contributed to our community in many ways. We painstakingly made sure to follow all zoning regulations during our extensive renovations in 2007, and at this time we are asking for what we believe is a modest and reasonable request created in part by unanticipated post-2007 zoning changes related to how lot coverage is calculated.

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

As outlined in the plans prepared by Steven K. Poteracki at Studio 1 Architects, the current car port space has a cement foundation that is already framed in by a large pergola with extensive lattice work. Framing in and covering the space will require little additional construction. The ground will not need to be covered with any additional concrete and the visual impact of the addition to the garage structure will be negligible. It is worth noting that Steve at Studio 1 Architects designed the 2007 addition to our home and we have asked him to help us create a structure that will be consistent with the character of our residence and the surrounding area as well.

- 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:

Without a zoning variance, the depth of the second covered parking space would be roughly 17', which would only be suitable for a compact car. By demolishing the storage space in the rear of the existing garage structure, we could capture enough square footage to cover the car port but it would eliminate any space in the garage to store bicycles and yard equipment as well as demolish a perfectly maintained structure.

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:

To the best of our knowledge, our property is the only one in the same zoning district with a full two car foundation that was built out as a one car garage with a partially covered car port, and moreover, built with the intention of eventually covering the space. Had we known there would be a change in the regulations (or a change in the interpretation of the regulations) we would have accelerated the process of covering the car port area before the change was implemented. At this stage in our lives, having both cars parked in a covered garage space is more practical and more safe as well.

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

We currently have no plans to sell our home and we are not being driven by a profit motive. We have lived in Glen Ellyn since 1996 and raised our four children here. Anne was raised here and her mother and three of her sisters live in the area.

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.

As previously mentioned, we were responsible for the 2007 renovation of our property at 734 Highland. At the time of our project, the zoning approach taken by the village would have allowed for the car port to be a covered space but we chose to leave it open not realizing that it would later become an issue. In other words, the difficulty that arose and the reason for requesting the variation did not exist until the zoning change took place.

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 variation will ultimately result in an additional lot coverage of 36 sf compared to a design option requiring the demolition of our current storage area built into the existing garage. We don't believe this will adversely impact our neighbors or our community, nor will it obscure the current use or enjoyment of the property of the surrounding homes. On the contrary, we think our neighbors would prefer seeing a space that is covered and framed garage space as compared to a situation where they look into our back yard and see a vehicle parked on the car port.

6. Provide evidence that the proposed variation will not:

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

The covered car port would be added on to the current garage bordering the north side of our lot. The structure would not obscure the sunlight or air for any neighbor's property, nor will it cast any new shadow onto any adjacent lands.

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

The garage is separate from our residence. The proposed covering of our car port would not create any fresh risk or danger as it would merely be expanding the garage space that currently exists.

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

We think a second covered parking space would make our property safer in the winter time and during any inclement weather. With EV hook ups in the garage, the addition of this structure will in a small way also contribute to a healthier environment.

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

The additional covered garage space will be a modest structure and will in no way impair surrounding property values.

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

We fail to see any way in which this covered garage space will cause congestion or any other adverse conditions in the surrounding public streets.

- f. Create a nuisance; or

After construction is completed, which will take only a few months, the new structure will not create any new noise, the visual impact will be negligible, and we think the new garage space will actually help to beautify the area around it, for both us and our neighbors.

- g. Results in an increase in public expenditures.

We are not requesting any public expenditures to support this project. All expenses for design and construction will be paid by us, and the project will not create any additional work directly or indirectly by the village.

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

We are not asking to add a three or four car garage onto our property. Nor are we asking for a new or expanded foundation to be put in place to make way for a new garage. Instead, we are making the modest request to allow for 36 additional sf of covered structure on our property beyond what would normally be permitted. We are also asking that the existing storage structure at the end of our existing garage be preserved and not demolished in order to recapture enough square footage to cover the car port so it can house a standard sized vehicle. Due to the history of how our previous project was approved in 2007, we have the benefit of working with an existing foundation that does not need to be expanded or augmented. Not only will a covered and framed in parking structure not be a nuisance to our neighbors, we think the newly designed space will be more functional for our use and more pleasant for our neighbors to view.

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

Behind our current storage space, last year we professionally installed two raised planters for growing vegetables. If we were to demolish the storage area built in to the existing garage in order to recapture square foot coverage for the covered car port, it would create a 12' x 9' dead space behind the garage that would be somewhat disjointed, and we believe it would also result in an unpleasant space to the view of our neighbors along the west and north lot lines.

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.

_____	_____	_____
Date	Print Name	Signature of Applicant
_____	_____	_____
Date	Print Name	Signature of Applicant
_____	_____	_____
Date	Print Name	Signature of Applicant

AFFIDAVIT OF AUTHORIZATION

I, _____ owner of the property described as

verify that _____

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

Owner Signature

Subscribed and sworn to before me this

_____ day of _____, 20_____

Notary Public

OWNERSHIP BY A CORPORATION

Date: _____

Address: _____

Legal Description:

--

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

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

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Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

OWNERSHIP BY LAND TRUST

Date: _____

Address: _____

Legal Description:

--

TRUSTEE: _____ TRUST NO. _____

Address: _____

LIST ALL BENEFICIARIES:

Name: _____ Address: _____

Name: _____ Address: _____

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Name: _____ Address: _____

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Name: _____ Address: _____

Affidavit Affirming No Conflict of Interest

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

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

Further affiant sayeth naught.

Name: _____

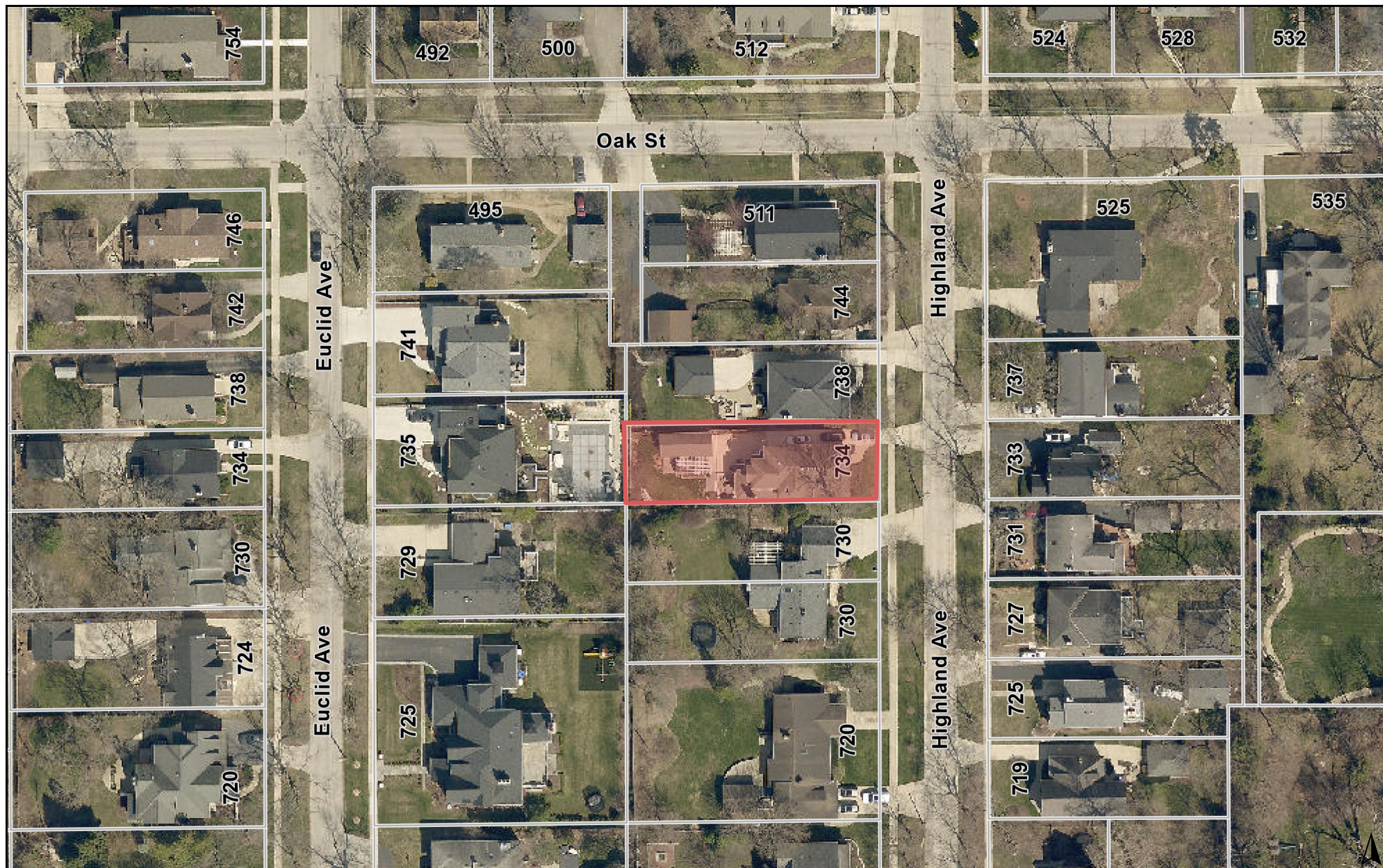
Title: _____

Applicant's Name: _____

Subscribed and sworn to me this

_____ day of _____, 20____.

Notary Public



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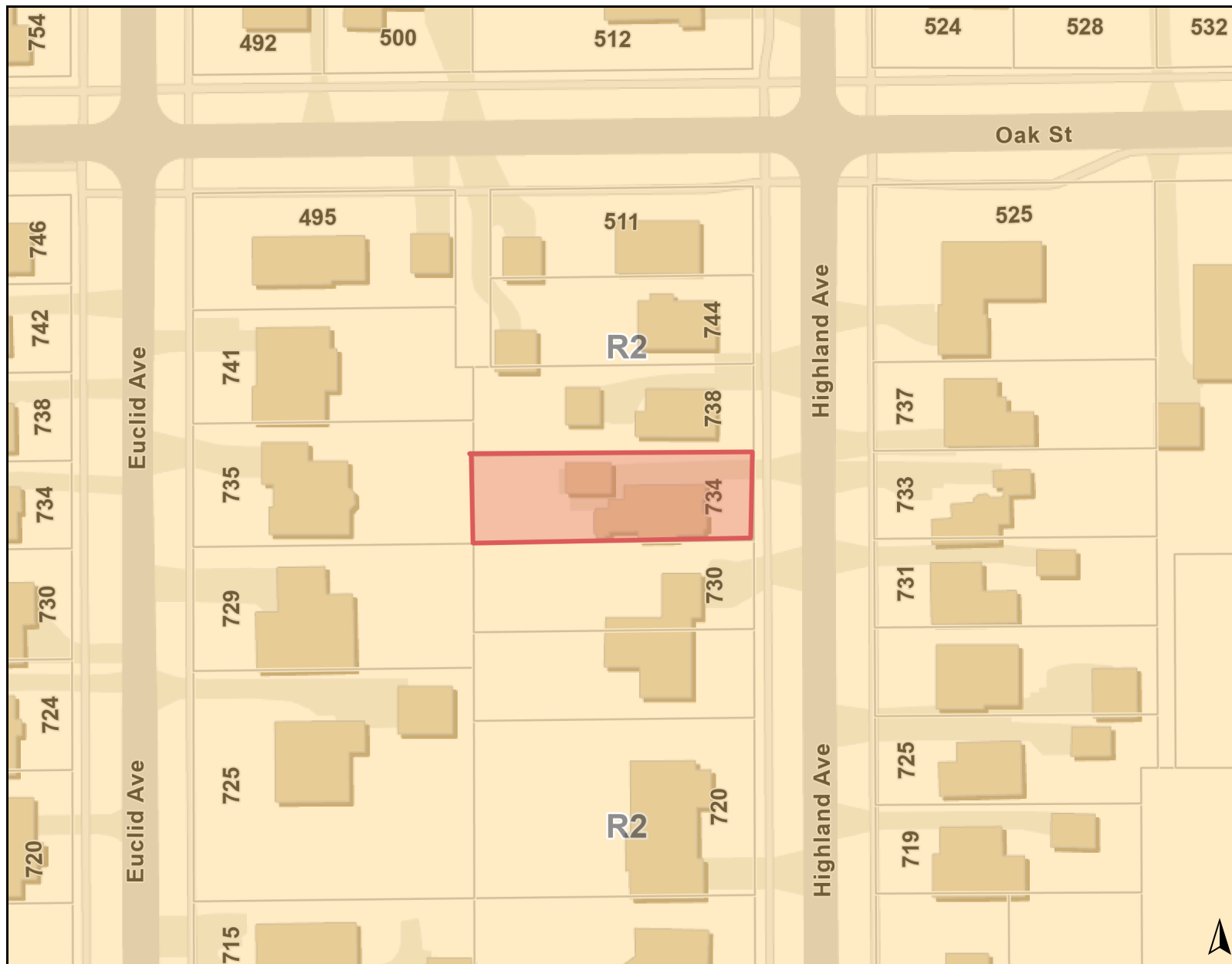
Print Date: 3/8/2023

Notes

Zoning Variation requesting relief from the Zoning Code to allow a lot coverage ratio of 23.8% and a total combined area of all freestanding accessory structures on a zoning lot to be 650 square feet,...

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

GIS Consortium | 734 Highland Ave – Zoning Map



Legend

Zoning and Development

Zoning

R2: Single Family Residential District

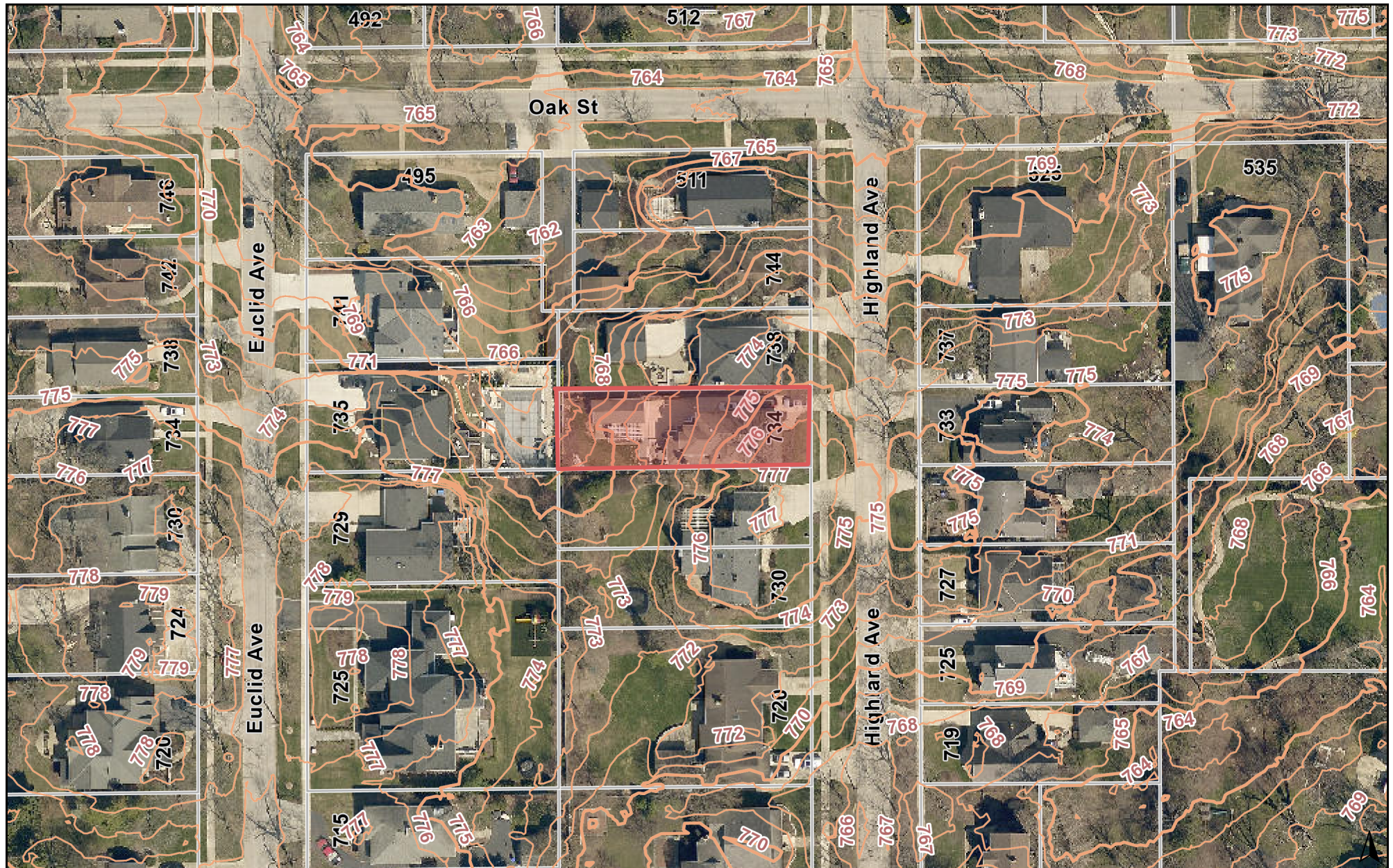
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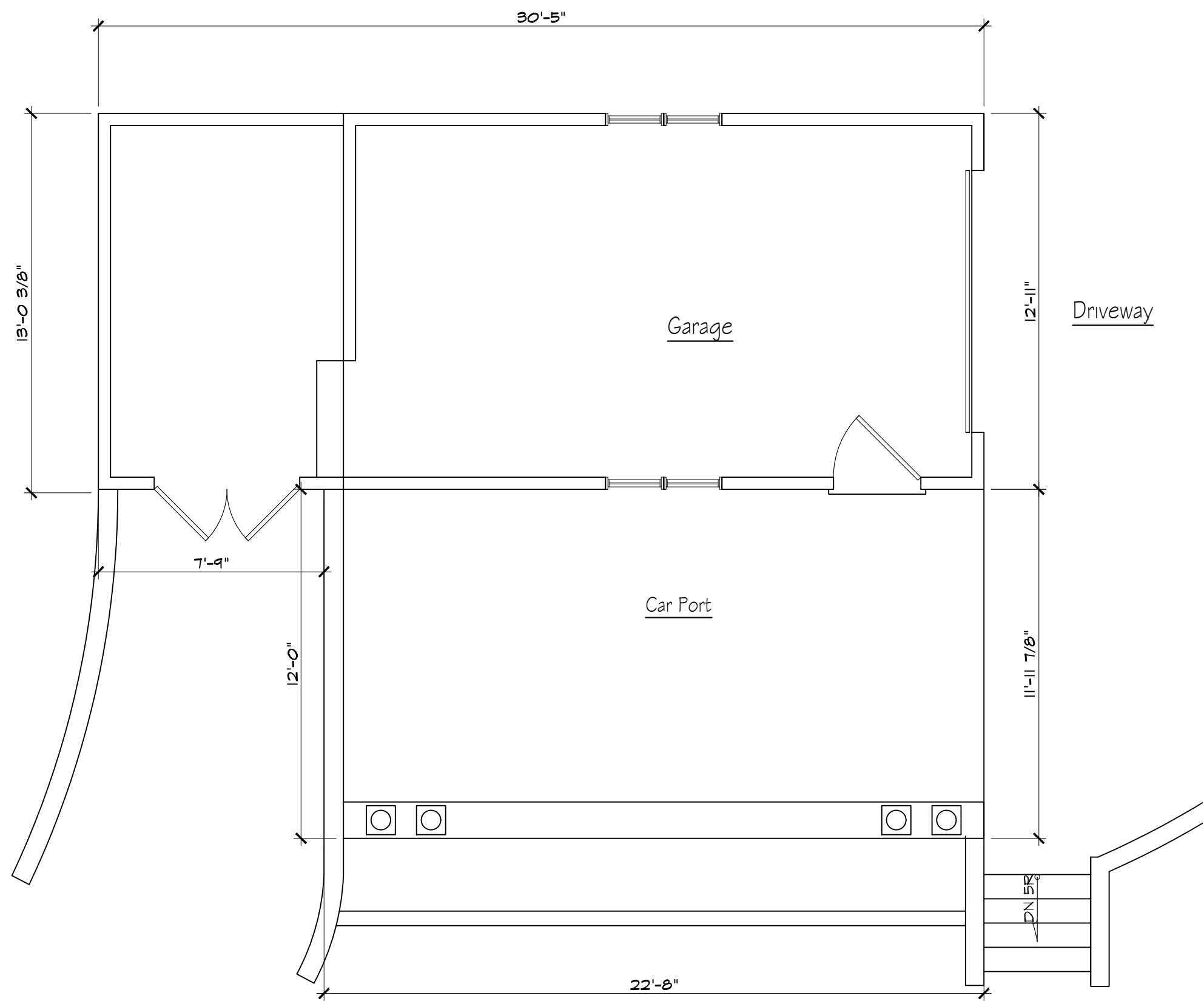
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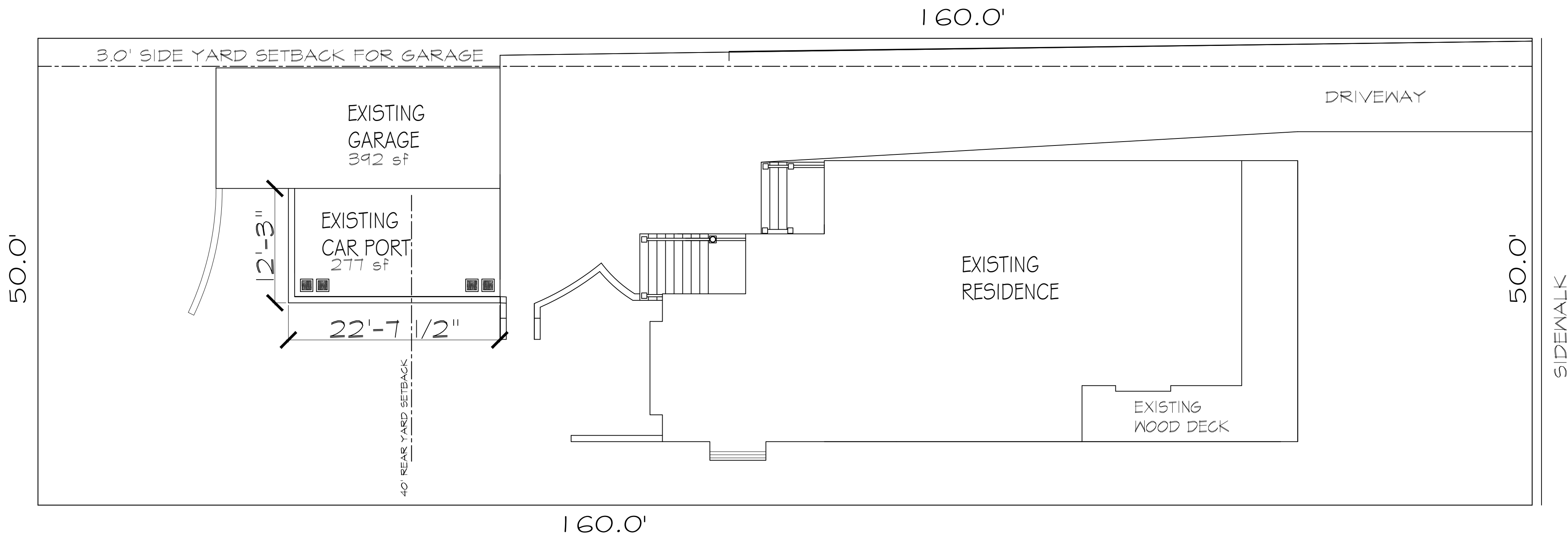
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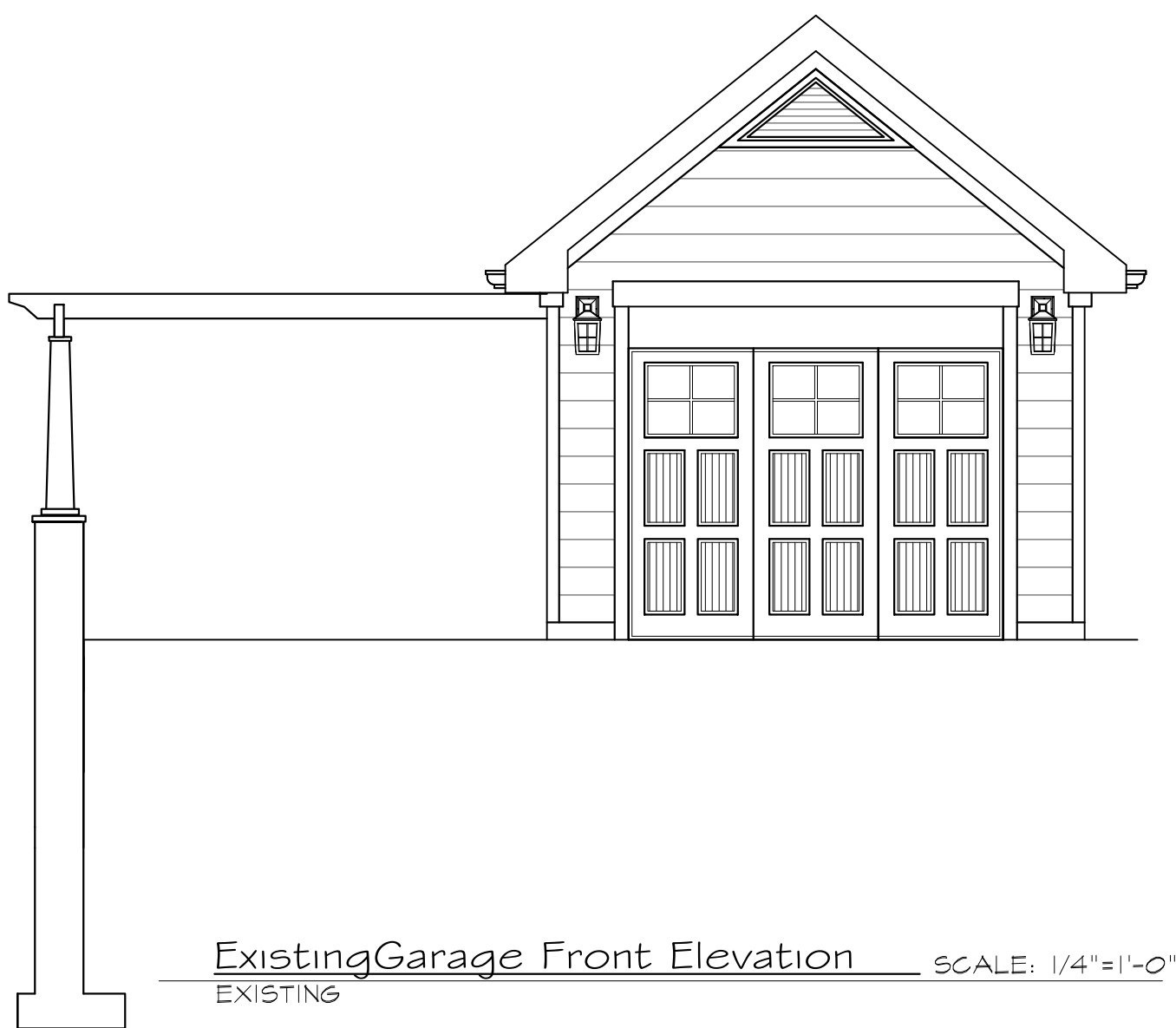
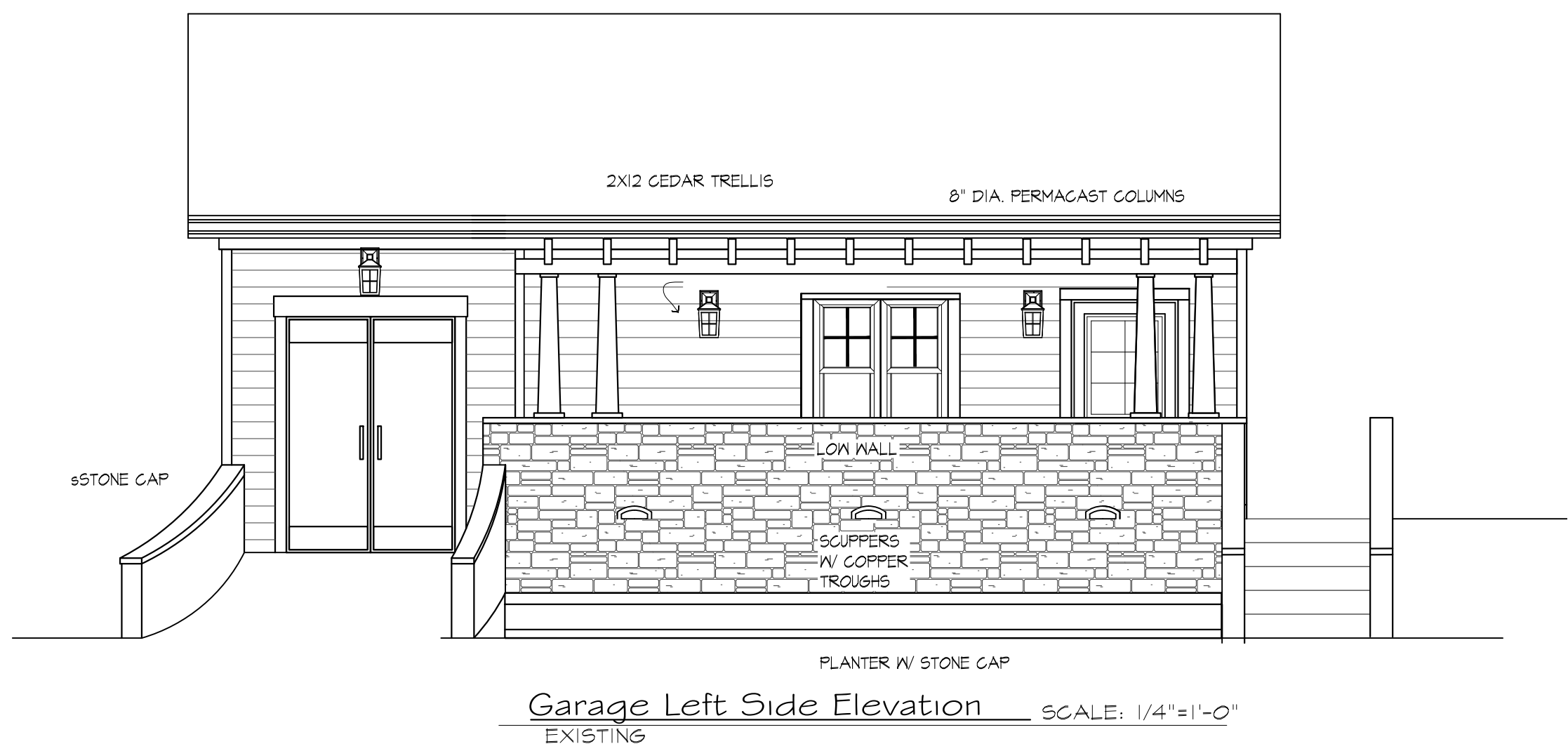
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EXISTING FLOOR PLAN



Existing Site Plan



STUDIO 1

ARCHITECTS

1105 Burlington Avenue
Western Springs, IL
708.783.1124
studio1architects.com

THE PAYNE RESIDENCE

734 HIGHLAND AVE GLEN ELLYN, ILLINOIS

ILLINOIS LICENSE #. 001.017811

EXPIRATION: 11-30-22

PROFESSIONAL DESIGN FIRM #.

184-004427

EXPIRATION: 04-30-23

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ISSUED FOR

REVIEW

DATE

FEBRUARY 28, 2022

REVISIONS

PROJECT NUMBER

XXXXXX

SHEET NO.

A | 1

X OF X

STUDIO 1
ARCHITECTS

1105 Burlington Avenue
Western Springs, IL
708.783.1124
studio1architects.com

THE PAYNE RESIDENCE
734 HIGHLAND AVE GLEN ELLYN, ILLINOIS

ILLINOIS LICENSE # 00101781
EXPIRATION: 11-30-24

PROFESSIONAL DESIGN FIRM #:
04-204421
EXPIRATION: 04-30-23

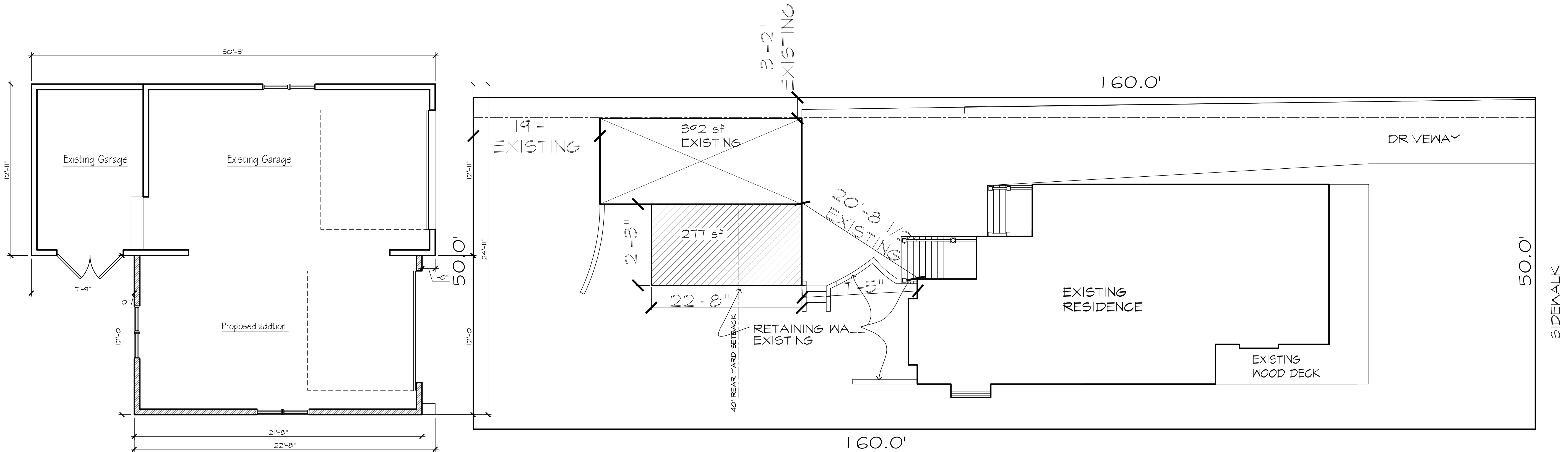
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ISSUED FOR	VARIATION
DATE	JANUARY 30 2023
REVISIONS	

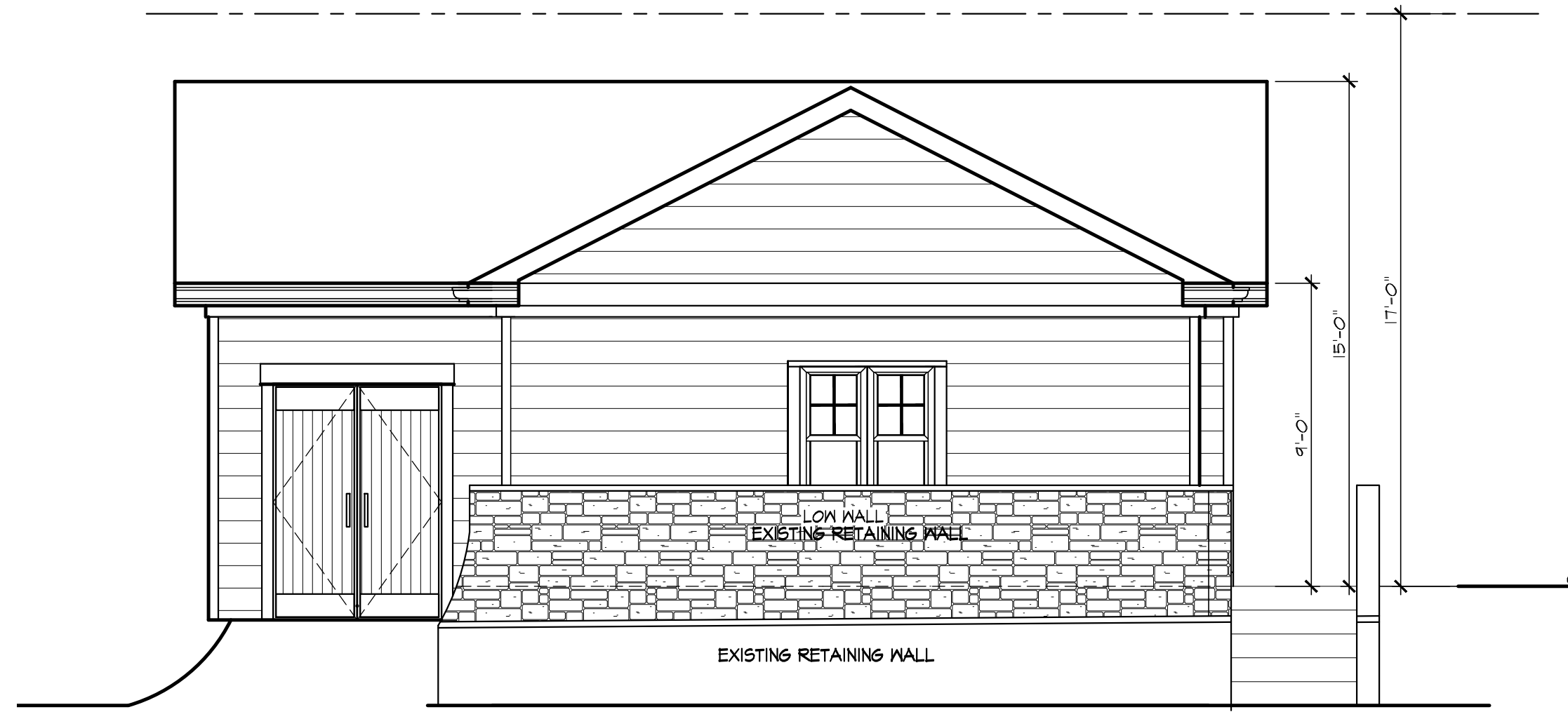
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PROPOSED FLOOR PLAN



Garage Left Side Elevation SCALE: 1/4"=1'-0" PROPOSED



Garage Front Elevation SCALE: 1/4"=1'-0" PROPOSED











NOTICE OF PUBLIC HEARING

Timothy and Anne Payne, owners of the property at 734 Highland Avenue, are requesting a public hearing for zoning variations in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code to allow the expansion of a detached garage. Before the Glen Ellyn Village Board can consider this request, the Glen Ellyn Zoning Board of Appeals must conduct a public hearing. The Zoning Board of Appeals will conduct a public hearing on **Tuesday, March 14, 2023** 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 zoning variations from the Glen Ellyn Zoning Code as follows:

1. A variation from section 10-4-8(E)1 to allow a lot coverage ratio of 23.8% where a maximum 20% lot coverage ratio for two story single-family dwellings is allowed in the R2 Residential District; and
2. A variation from section 10-5-4(A)2(a) to allow the total combined area of all freestanding accessory structures on a zoning lot to be 676 square feet, where total combined area is limited to 1,000 square feet, but no more than 30 percent of a required rear yard, whichever is less; and
3. Any other zoning relief necessary to allow the proposed garage addition 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:

THE SOUTH 50 FEET OF LOT 5 IN BLOCK 21 AND THE EAST HALF OF THE VACATED ALLEY LYING WEST OF AND ADJOINING IN GLEN ELLYN ADDITION TO PROSPECT PARK, BEING A SUBDIVISION IN SECTION 11, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 11, 1890 AS DOCUMENT 42867, IN DU PAGE COUNTY, ILLINOIS.

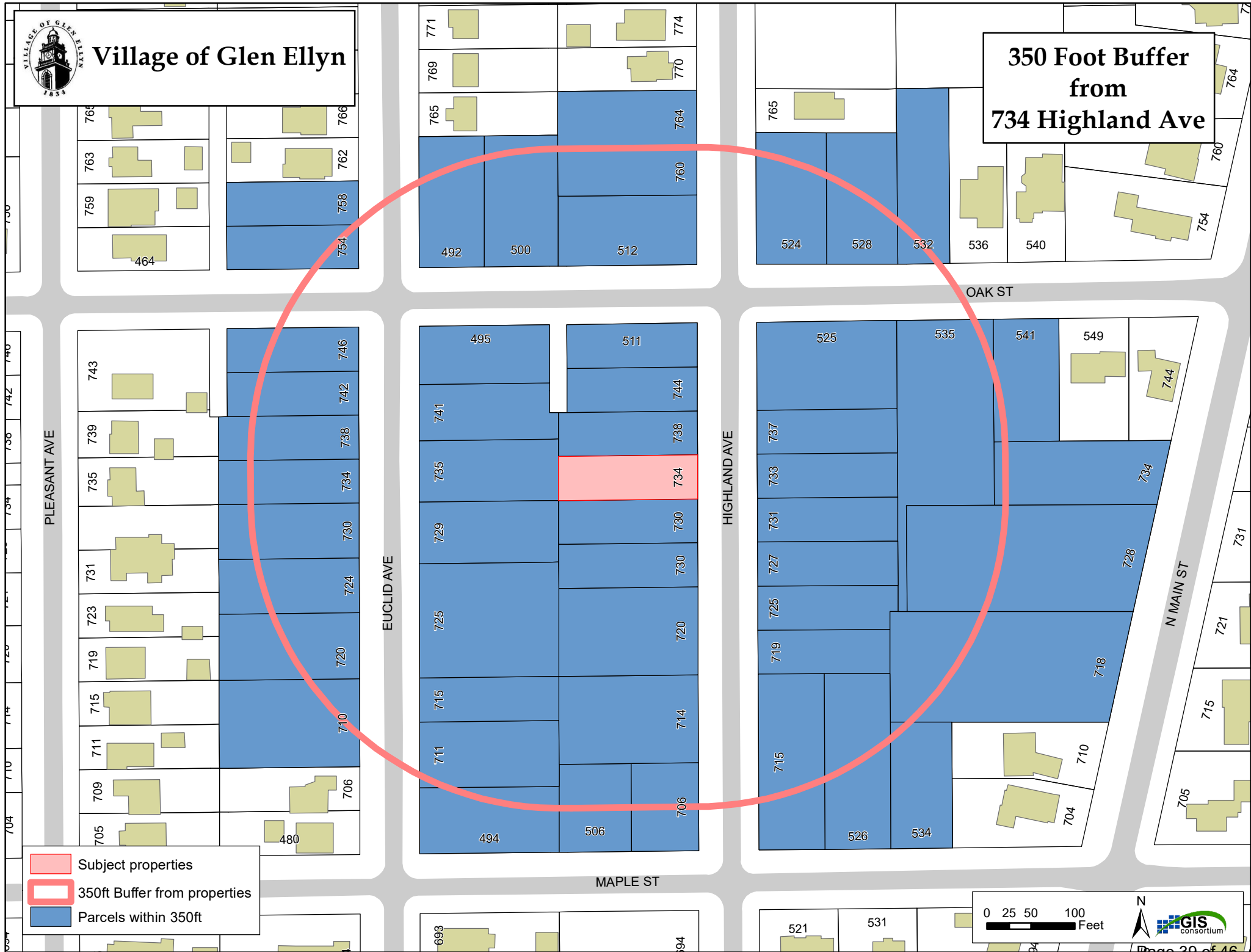
P.I.N.: 05-11-109-022

Plans are on file in the Community Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois and can be requested by contacting Derek Rockwell, Planner at drockwell@glenellyn.org. All public comments received by 4:30 pm on Tuesday, March 14, 2023, will be read into the record at the public hearing.



Village of Glen Ellyn

350 Foot Buffer
from
734 Highland Ave



**NOTICE OF
PUBLIC HEARING**

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Published in Daily Herald February 27, 2023 (4595948)

RECEIVED

MAR 03 2023

VILLAGE OF GLEN ELLYN

DR

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, DuPage County, State of Illinois, and has been in general circulation daily throughout DuPage County, continuously for more than 50 weeks prior to the first Publication of the attached notice, and a newspaper as defined by 715 ILCS 5/5.

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 2/27/23 in said **DuPage County DAILY HERALD**. This notice was also placed on a statewide public notice website as required by 5 ILCS 5/2.1.

BY

Laurel Baltz

Designee of the Publisher of the Daily Herald

Control # 4595948



**(DRAFT) FINDINGS OF FACT TO SUPPORT A MOTION TO RECOMMEND
APPROVAL OF ZONING VARIATIONS TO ALLOW THE EXPANSION OF A
DETACHED GARAGE FOR THE PROPERTY LOCATED AT
734 HIGHLAND AVENUE**

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 lot is nonconforming with respect to the lot width and has a limited area for any construction. In addition, current Zoning Code makes the property nonconforming due to the lot coverage ratio which limits the construction of the garage expansion on the existing foundation that was poured for a two-car garage in 2007.
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 property owners will remain in the home for the foreseeable future but the existing garage would not accommodate residents' needs to park an electric vehicle charging station or a second standard sized vehicle. Due to the current Zoning Code, almost no improvements would be allowed on the property without granting of a variation.
3. The plight of the applicant/owner is due to unique circumstances relating to the property in question, because the property was platted before the Village's Zoning Code existed with a narrow lot width and undersized lot area. The garage foundation was poured and plans for the second garage space were approved and issued in 2007, when fully complied with the Zoning Code. The proposed garage expansion will add to the footprint of the existing foundation.
4. The requested variations, if granted, will not alter the essential character of the locality of the property in question, because the proposed garage addition will be built upon the existing foundation and will be in context with the character of the home and neighborhood. The project shall fully comply with all current Zoning and Building Codes, and have a minimal impact on 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 subdivision was platted many years ago and the home was constructed before the current Zoning Code with nonconforming lot area and width, which restricts potential improvements on the lot without requiring a variation. The nonconformity with the current lot coverage ratio regulations took place after 2007 when the maximum allowable LCR in the R2 District was reduced from 25% to 20%.

6. The conditions upon which the petition for variations is based would not be applicable generally to other property within the same zoning district, because the property has a narrow lot width, undersized lot area, excessive lot coverage ratio, and is currently improved with the foundation for a two-car garage where only a one car garage exists.
7. The purpose of the variations is not based exclusively upon a desire to make more money out of the property in question, because the petitioners do not have plans to sell their home and do not have a motive to gain profit. The homeowner intended to construct the garage 15 years ago and believes a two-car garage is more practical as they age and will provide shelter for the family's second vehicle and/or electric vehicle charging station.
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 nonconforming lot area, lot width, and the update to the Village's Zoning Code that reduced the lot coverage standard in R2 District and limited the buildable area on the lot, all of which lead to hardships to expand the garage without a variation.
9. The granting of the variations will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property in question is located, and will not impair an adequate supply of light and air to adjacent property, because the proposed expansion of the existing garage will be built on the existing foundation and will not increase stormwater runoff, maintain sufficient distance from neighbors, and will provide shelter to a second vehicle that would otherwise be viewable by nearby neighbors when in the carport.
10. The proposed variations will not substantially increase the hazard from fire or other dangers to the property in question or adjacent property, because the proposed garage addition will be more than 10 feet from the principal structure on the lot, adhere to the required setbacks for accessory structures, and will meet all current Building and Fire Codes.
11. The proposed variations 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 garage expansion is for the use of the current property owners, will not increase impervious surface, is modest in size, and will not change the existing use of the space.
12. The proposed variations will not create a nuisance or result in an increase in public expenditures because the proposed two-car garage is for the residential use of the current property owners, will not impact public expenditures, and is not anticipated to negatively impact neighbors.
13. The variations are the minimum variations that will make possible the reasonable use of the land, building or structure because the proposed garage will be built in place of the existing carport, on the existing foundation, with no expansion of impervious surface coverage.

**DRAFT "MOTION" TO RECOMMEND APPROVAL OF
ZONING VARIATIONS FOR 734 HIGHLAND AVENUE**

Having considered the application of Timothy and Anne Payne, owners of the property at 734 Highland Avenue, Glen Ellyn, for zoning variations from Section 10-4-8(E)1 to allow a lot coverage ratio of 24.1 percent where a 20 percent maximum lot coverage ratio for two story single-family dwellings is allowed in the R2 Residential District, and Section 10-5-4(A)2(a) to allow the total combined area of all freestanding accessory structures on a zoning lot to be 646 square feet, where total combined area is limited to 1,000 square feet, but no more than 30 percent of a required rear yard, whichever is less, the Zoning Board of Appeals hereby adopts the findings of fact in the petitioners' application packet and presented by the petitioners at the Zoning Board of Appeals public hearing conducted on March 14, 2023, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following hardship(s) or unique circumstance(s):

Subject to the following conditions:

1. The project shall be constructed in substantial conformance with the plans as submitted and the testimony presented at the March 14, 2023, public hearing of the Zoning Board of Appeals.
2. _____.
3. _____.
4. _____.

Motion by: _____ Seconded by: _____

**DRAFT "MOTION" TO RECOMMEND DENIAL OF
ZONING VARIATIONS FOR 734 HIGHLAND AVENUE**

Having considered the application of Timothy and Anne Payne, owners of the property at 734 Highland Avenue, Glen Ellyn, for zoning variations from Section 10-4-8(E)1 to allow a lot coverage ratio of 24.1 percent where a 20 percent maximum lot coverage ratio for two story single-family dwellings is allowed in the R2 Residential District, and Section 10-5-4(A)2(a) to allow the total combined area of all freestanding accessory structures on a zoning lot to be 646 square feet, where total combined area is limited to 1,000 square feet, but no more than 30 percent of a required rear yard, whichever is less, as depicted on the plans presented or revised at the public hearing, the Zoning Board of Appeals hereby recommends DENIAL of the requested zoning variations from Sections 10-4-8(E)1 and 10-5-4(A)2(a) of the Glen Ellyn Zoning Code based upon the following findings of fact:

(Staff note: The ZBA may choose to approve some parts of the request and not others.)

(Choose one or more of the following):

- A. That the plight of the owners is not due to a unique circumstance or a particular hardship;

- B. That the variations, if granted, will alter the essential character of the locality because:

- C. That the conditions upon which the variations are based would be applicable generally to other property within the same zoning district because:

- D. That the purpose of the variations is based exclusively upon a desire to make more money out of the property since the applicants intend to:

_____;

- E. That the practical difficulty or particular hardship has been created by persons presently having an interest in the property because:

- F. That the variations will be detrimental to the public comfort, morals, and welfare or injurious to other property or improvements in the neighborhood in which the property is located since:

- G. That the variations will substantially increase the hazard from fire or other dangers to said property and otherwise impair the public health, safety, or general welfare of the inhabitants of the Village since:

- H. That the variations will diminish or impair property values within the neighborhood since:

- I. That the variations will unduly increase traffic congestion in the public streets

and highways since:

J. That the variations will result in an increase in public expenditures or create a nuisance since:

K. That the variations are not the minimum variations that will make possible the reasonable use of the land, building or structure.

Motion by: _____ Seconded by: _____